

PETITION FOR A WRIT OF HABEAS CORPUS BY A PERSON IN STATE CUSTODY

Name JAMESON, BARRY SIMON
 (Last) (First) (Initial)

Prisoner Number CDCR No. C88511

Institutional Address Post Office Box 8502
Coalinga, CA 93210-8502

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA**

BARRY SIMON JAMESON,
 (Enter the full name of plaintiff in this action.)
 Petitioner,

vs.

JAMES A. YATES, Warden of PVSP,
 Respondent.

///

///

(Enter the full name of respondent(s) or jailor in this action)

Case No. 07 3160
 (To be provided by the clerk of court)

**AMENDED
 PETITION FOR A WRIT
 OF HABEAS CORPUS**

(PR)

FILED
 JUL 12 2007
 RICHARD W. WIEKING
 CLERK U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND

Read Comments Carefully Before Filling In

When and Where to File

You should file in the Northern District if you were convicted and sentenced in one of these counties: Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, San Benito, Santa Clara, Santa Cruz, San Francisco, San Mateo and Sonoma. You should also file in this district if you are challenging the manner in which your sentence is being executed, such as loss of good time credits, and you are confined in one of these counties. Habeas L.R. 2254-3(a).

If you are challenging your conviction or sentence and you were not convicted and sentenced in one of the above-named fifteen counties, your petition will likely be transferred to the United States District Court for the district in which the state court that convicted and sentenced you is located. If you are challenging the execution of your sentence and you are not in prison in one of these counties, your petition will likely be transferred to the district court for the district that includes the institution where you are confined. Habeas L.R. 2254-3(b).

COMMENT REGARDING JURISDICTION

Petitioner is in Fresno County, California. Petitioner did not file this action himself. Due to the overcrowding of California prisons and the Zero Release Policy that has been in effect for over 15 years, keeping ten thousand to twenty thousand persons in prison long after their Maximum Release Dates (which statute mandates they must be released on at the latest), Petitioner's brother Scott Jameson wrote a letter to the Honorable CLAUDIA WILKEN. He sent Petitioner a copy of the letter. The purpose of the letter was to point out the corruption in CDCR, in that they have a manifested policy of simply refusing to release persons that are mandated to be released by law. They maintain this underground policy by falsely informing courts that inquire into it that they are considering persons for parole. Considering they deny parole in over 100% of all cases in violation of the penal language that states (PC 3041) a parole date shall normally be set one-year before a persons minimum eligible parole date, and give parole dates at a rate of less than 1% a decade or more after the person should have had one, this is clearly a sham to mislead the Court.

Petitioner's brother wrote the Court a letter, as his brother and Petitioner's Maximum Release Date was 26 July 1999 and his minimum was in 1992. CDCR has informed him that regardless of these dates, he will never get out, as he is under the Zero Release Policy; even though he committed the lesser second-degree murder and is entitled to halftime/day-for-day credits on his 17-year sentence. Without judicial intervention, Petitioner will remain one of the thousands that is politically imprisoned in the "Land of the Free." He committed a serious offense in his 20's and is in his 50's. His sentence came with an early release on parole date in approximately 1992 and a Maximum Release Date (discharge date) of 1999. Nevertheless, he sits in prison with no violence ever against anyone in prison a quarter of a century later.

The Fresno Superior Court, the Fifth Appellate District and the California Supreme Court—the State Courts—refuse to address this policy of false imprisonment. Petitioner is in "prison alley"

and in this pro-prison Central Valley, which includes the Federal District Court for the Eastern District of California, Fresno Division, no one will address the Zero Release Policy and the false imprisonment on false pretenses.

The statutes at issue are both unambiguous and mandatory. They required that Petitioner's Maximum Release Date would be set by the Court and CDCR upon his arrival in CDCR. It was. When things became political in 1990, Petitioner's bargained for 17-year promised sentence was changed to Life-Without-the-Possibility-of-Parole for Petitioner and thousands of others.

Petitioner's brother Scott sent his letter to this Court along with a basic legal argument and some exhibits, as the Honorable CLAUDIA WILKEN, District Judge, is holding hearings on overcrowding in California's prisons. What is so apparent to Scott and Petitioner is, how can California's prisons not be overcrowded if CDCR has a Zero Release Policy? It is like a balloon. It just keeps getting filled up. CDCR has no intent of stopping this practice.

To both Scott and Petitioner, it is inconceivable that in the United States there are prisons that mislead persons into accepting dispositions in Court, but once they get to prison—in clear violation of the Separation of Powers doctrine—CDCR simply resentsences them to Death-in-Prison. Petitioner's 17-year Base Term disappeared.

Petitioner is one of a group of persons that committed a pre-1983 offense for second-degree murder, and only has a parole window of five years. It opened in 1992 and, if he had done everything wrong and received a two-year extension, his latest discharge date was 1999. CDCR, in their desire to build their corrupt empire by using human beings as capital, ignores the fact that Petitioner did not have "Life" parole (post-1982) and feign that they have jurisdiction for life. Jurisdiction over Petitioner has expired a decade or more ago (because of earned credits).

Because of the issues in front of this Court about overcrowding in CDCR, Petitioner requests this Court retain jurisdiction and address the Zero Release Policy being imposed on thousands.

RECEIVED

JUN 13 2007

CLAUDIA WILKEN
U.S. DISTRICT JUDGESCOTT JAMESON
3503 Andy Street
Long Beach, CA 90805-3907
Ph.: 562-602-2977

30 May 2007

SBA

Your Honor: JUDGE C. WILKEN

C 07

3160

I am writing regarding an issue I am familiar with, i.e., the overcrowding in California prisons, as I believe that someone may be looking into it in your Court. If they are not, I believe they should, regarding the issue herein, as it is unbelievable to me as a veteran and United States Citizen that tens-of-thousands of citizens in our nation that have broken the law and paid the price imposed on them by the Court long ago have been kept as political prisoners by a prison system that has a vested financial interest in keeping as many persons imprisonment -- illegal or not -- as possible. In fact, the California prison system and specifically the California Correctional Peace Officers Association or CCPOA should be charged with criminal racketeering under federal RICO statutes for using actual human beings for capital gains. I speak from experience, as the attached exhibits will show that my brother, who committed an offense in 1982, went to CDCR in 1984, had his Minimum Eligible Parole Date (MEPD) set at 1992 and his Maximum Release Date (MRD; if he did everything wrong and did not earn any credits) set at 26 July 1999 in 1984, is still imprisoned under the Zero Release Policy (fn. 1) 15 years passed his set MEPD and 8 years after what would have been his Maximum Release Date. (PR)

The enclosed is one example of what could be thousands. For political reasons, California Judges have rarely even wanted to admit that the Zero Release Policy exists. Nevertheless, there have been a handful of cases where it has been addressed, only to have the highly political California Supreme Court step in -- against all evidence -- and state it does not exist, because a token few have actually been released. My brother's story is reflective of thousands. A maximum MRD, pursuant to statute (Cal. Code of Regs. (CCR), Title 15, Div. 2, § 2000(b)(64), is defined as the latest date a person can be held in confinement under the DSL (Determinate Sentencing Law enacted in 1977). The language could not be clearer or more mandatory. Yet, as shown by the enclosed, my brother is still being held.

If, due to their offense, a person is not going to have their MRD set, then California law mandates an "Extended Term Hearing" be held within 120 days pursuant to California Penal Code (PC)

1. This "Zero Release Policy" is sometimes erroneously referred to as the "Zero Parole Policy." Although the result is the same, the word "parole" (which is defined as "early release") implies a person is not being released "early." In fact, tens-of-thousands are being told they are not going to

1 Who to Name as Respondent

2 You must name the person in whose actual custody you are. This usually means the Warden or
 3 jailor. Do not name the State of California, a city, a county or the superior court of the county in which
 4 you are imprisoned or by whom you were convicted and sentenced. These are not proper
 5 respondents.

6 If you are not presently in custody pursuant to the state judgment against which you seek relief
 7 but may be subject to such custody in the future (e.g., detainees), you must name the person in whose
 8 custody you are now and the Attorney General of the state in which the judgment you seek to attack
 9 was entered.

10 A. INFORMATION ABOUT YOUR CONVICTION AND SENTENCE

11 1. What sentence are you challenging in this petition?

12 (a) Name and location of court that imposed sentence (for example; Alameda
 13 County Superior Court, Oakland):

14 Los Angeles County Superior Court Compton

15 Court Location

16 (b) Case number, if known A626213

17 (c) Date and terms of sentence 1984; 17 yrs. + 5 yrs. parole.

18 (d) Are you now in custody serving this term? (Custody means being in jail, on
 19 parole or probation, etc.) Yes X No

20 Where? Fresno County, California

21 Name of Institution: Pleasant Valley State Prison

22 Address: P.O. Box 8502, Coalinga, CA 93210-8502

23 2. For what crime were you given this sentence? (If your petition challenges a sentence for
 24 more than one crime, list each crime separately using Penal Code numbers if known. If you are
 25 challenging more than one sentence, you should file a different petition for each sentence.)

26 2nd Degree Murder w/ deadly weapon (Cal.P.C. 187) and 1 yr. prior.

27 / / /

28 / / /

3. Did you have any of the following?

Arraignment: Yes X No

Preliminary Hearing: Yes X No

Motion to Suppress: Yes X No

4. How did you plead?

Guilty Not Guilty X Nolo Contendere

Any other plea (specify) No

5. If you went to trial, what kind of trial did you have?

Jury X Judge alone Judge alone on a transcript
In absentia

6. Did you testify at your trial? Yes No X

7. Did you have an attorney at the following proceedings:

(a) Arraignment Yes X No

(b) Preliminary hearing Yes X No

(c) Time of plea Yes X No

(d) Trial Yes X No

(e) Sentencing Yes X No

(f) Appeal Yes X No

(g) Other post-conviction proceeding Yes No X

8. Did you appeal your conviction? Yes X No

(a) If you did, to what court(s) did you appeal?

Court of Appeal Yes X No

Year: 1984 Result: Denied; not relevant

Supreme Court of California Yes X No

Year: 1987 Result: Denied; not relevant

Any other court Yes No X

Year: NA Result: NA

(b) If you appealed, were the grounds the same as those that you are raising in this

1 petition? Yes _____ No X

2 (c) Was there an opinion? Yes _____ No X

3 (d) Did you seek permission to file a late appeal under Rule 31(a)?

4 Yes _____ No X

5 If you did, give the name of the court and the result:

6 Not Applicable

7 / / /

8 9. Other than appeals, have you previously filed any petitions, applications or motions with respect to
9 this conviction in any court, state or federal? Yes X No _____

10 [Note: If you previously filed a petition for a writ of habeas corpus in federal court that
11 challenged the same conviction you are challenging now and if that petition was denied or dismissed
12 with prejudice, you must first file a motion in the United States Court of Appeals for the Ninth Circuit
13 for an order authorizing the district court to consider this petition. You may not file a second or
14 subsequent federal habeas petition without first obtaining such an order from the Ninth Circuit. 28
15 U.S.C. §§ 2244(b).]

16 (a) If you sought relief in any proceeding other than an appeal, answer the following
17 questions for each proceeding. Attach extra paper if you need more space.

18 I. Name of Court: Los Angeles Superior Court

19 Type of Proceeding: Habeas Petition

20 Grounds raised (Be brief but specific):

21 a. Ineffective Assistance of Counsel

22 b. Failure to Suppress Evidence

23 c. Violation of Sentencing Agreement

24 d. Failure to Give Lesser Instructions

25 Result: Postcard Denial Date of Result: 03-DEC-02

26 II. Name of Court: Second Appellate District

27 Type of Proceeding: Same as above (habeas)

28 Grounds raised (Be brief but specific):

1 a. Same as "I." above.

2 b. / / /

3 c. / / /

4 d. / / /

5 Result: Postcard denial Date of Result: 3-DEC-02

6 III. Name of Court: California Supreme Court

7 Type of Proceeding: Habeas Corpus (same as above)

8 Grounds raised (Be brief but specific):

9 a. Same as "I." above.

10 b. / / /

11 c. / / /

12 d. / / /

13 Result: Postcard Denial Date of Result: 10OCT03

14 IV. Name of Court: US DISTRICT COURT CEN. DIST. CAL. L.A.

15 Type of Proceeding: Habeas Corpus (same as above)

16 Grounds raised (Be brief but specific):

17 a. Same as "I." above.

18 b. / / /

19 c. / / /

20 d. / / /

21 Result: Denied Date of Result: 6MAR06

22 (b) Is any petition, appeal or other post-conviction proceeding now pending in any court?

23 Yes X No

24 Name and location of court: Ninth Circuit 06-55638

25 B. GROUNDS FOR RELIEF

26 State briefly every reason that you believe you are being confined unlawfully. Give facts to
27 support each claim. For example, what legal right or privilege were you denied? What happened?
28 Who made the error? Avoid legal arguments with numerous case citations. Attach extra paper if you

1 need more space. Answer the same questions for each claim.

2 [Note: You must present ALL your claims in your first federal habeas petition. Subsequent
3 petitions may be dismissed without review on the merits. 28 U.S.C. §§ 2244(b); McCleskey v. Zant,
4 499 U.S. 467, 111 S. Ct. 1454, 113 L. Ed. 2d 517 (1991).]

5 Claim One: PETITIONER'S IMPRISONMENT IS FALSE, CRUEL AND
6 UNUSUAL PUNISHMENT AND VIOLATES FEDERAL CONSTITUTION

7 Supporting Facts: Please see following pages.

8 / / /

9 / / /

10 / / /

11 Claim Two: None

12 / / /

13 Supporting Facts: NA

14 / / /

15 / / /

16 / / /

17 Claim Three: None

18 / / /

19 Supporting Facts: None

20 / / /

21 / / /

22 / / /

23 If any of these grounds was not previously presented to any other court, state briefly which
24 grounds were not presented and why:

25 Issue was brought to Court by Petitioner's brother to
26 The Honorable CLAUDIA WILEN in a letter and given this case
27 number. No Court has looked at the California prison system's
28 refusal to release inmates at the expiration of their term,
causing overcrowding.

1 List, by name and citation only, any cases that you think are close factually to yours so that they
2 are an example of the error you believe occurred in your case. Do not discuss the holding or reasoning
3 of these cases:

4 McQuillion v. Duncan, 342 F.3d 1012 (9th Cir. 2003); and
5 Brown v. Poole, 337 F.3d 1155 (2003)
6 _____

7 Do you have an attorney for this petition? Yes _____ No X

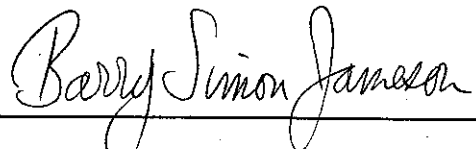
8 If you do, give the name and address of your attorney:

9 Not applicable.

10 WHEREFORE, petitioner prays that the Court grant petitioner relief to which s/he may be entitled in
11 this proceeding. I verify under penalty of perjury that the foregoing is true and correct.

12
13 Executed on 30 June 2007

14 Date



Signature of Petitioner
BARRY SIMON JAMESON

15
16
17
18
19
20 (Rev. 6/02)

I. DISCUSSION

Petitioner's offense was committed in 1982. In 1982, the parole release period was five years for Petitioner's offense. (Cal. Code Regs. (CCR), Title 15, Div. 2 (hereafter Title 15), § 2515. Length of Parole, subsection (d)). Petitioner was found guilty of second-degree murder after passing on a plea bargain, because his attorney, like other attorneys, informed him that he would have to serve approximately eight more years in custody. He had already served over a year. Several years ago, 15-16 years ago, California's Department of Corrections and Rehabilitation (CDCR) began implementing its Zero Release Policy¹. This occurred because of a violation of the Separation of Powers causing the Governor to become the Chief Executive Officer in charge of the parole board (board) in California (Cal. Penal Code (PC) §§ 3041.1 and 3041.2). These sections nullified parole for persons convicted of murder, first or second degree. Petitioner was sentenced to second-degree in 1984.

The PC sections aforementioned have been abused for the past 15-16 years in California. Once the Governors discovered they had the authority to deny all grants of parole, that is exactly what started occurring and is now guaranteed. The proof that this is being used abusively is the fact that PC §§ 3041.1 and 3041.2 allow the Governors to review either denials or grants of parole, and not one Governor has ever asked to review a denial of parole. On the other hand, the only persons situated as Petitioner with a second degree (lesser degree) murder in California

1. This is sometimes referred to as the "Zero Parole Policy" erroneously. This is erroneous, because parole is early release and there is no early release involved. Morrissey v. Brewer, 408 U.S. 471, 477-78 (1972).

1 that have been released by the parole board since the implementa-
2 tion of PC §§ 3041.1 and 3041.2 are ones that did at least twice
3 the Matrix Guideline time for their offense and were not the ac-
4 tual perpetrator but an aider and abettor, or they were so ill
5 they were about to die after serving more than a decade longer
6 than the Matrix Base Term Guidelines, or they litigated the board
7 into a corner and rather than have a favorable ruling against the
8 Zero Release Policy published, CDCR released them. The total
9 of these persons are less than 1%; even though the applicable
10 Penal Code section regarding release in California using the
11 clear language that a person "shall normally [have] a parole re-
12 lease date set" one year prior to their minimum eligible parole
13 date. (PC § 3041) When a light switch comes on normally, it is
14 far more than 51% of the time. "Normal" is in the 95-99% range.
15 California Courts have allowed this less than 1%, and many times
16 less than one-half of 1%, rate to continue since the enactment of
17 the Penal Code allowing the Governors to void the "shall normally"
18 standard with the completely politically satisfying "rarely ever,
19 if at all" standard.

20 With Petitioner and all others similarly situated, who were
21 told by their attorneys and the Courts they would serve approxi-
22 mately 9 years on 17 years (15 years, plus 2 years of enhance-
23 ments), because of earned day-for-day credits, now being resen-
24 tenced to Death-in-Prison, not only has the violation of the
25 Separation of Powers been manifested in the system allowing the
26 Executive Branch to resentence Petitioner and others, but as this
27 Court is presently looking into, of course California's prisons
28 are overcrowded. People come in on the premise they should get

1 out pursuant to unambiguous statute that uses mandatory language
2 early on parole or late upon discharge and are immediately in-
3 formed by CDCR staff that they will never be released. This
4 false imprisonment is cruel and unusual punishment in violation
5 of the Separation of Powers, Due Process (notification) and a
6 clear violation of the Federal Constitution.

7 At sentencing, pursuant to PC §§ 12 and 13, the Court told
8 Petitioner, like his counsel did, that he was receiving a 15-year
9 Base Term, plus two 1-year enhancements, or 17 years with a 5-year
10 period of parole. His 17-year term was reduced pursuant to PC §§
11 2931, 2933 and 2934, which allowed him day-for-day credits, al-
12 though CDCR refuses to give him his already earned credits, claim-
13 ing they do not count until he is suitable for parole. The pro-
14 blem with this scenario is that Petitioner and a select group of
15 inmates that committed their offenses prior to 1983 have a finite
16 5-year period of parole, or even the lesser 3-year period of par-
17 ole as set forth in PC § 3000(b)(1), because Petitioner is under
18 the provisions of PC § 2931. He has served 24 years of actual
19 time with approximately 23 years of earned credits, for a total
20 of 47 years. He was sentenced to 17 years with a 3 or 5-year
21 parole period. This means, if he was found suitable for parole's
22 early release provisions today, parole board members are required
23 to fix his Base Term, like the Court did (EXHIBIT A), "by utilizing
24 the appropriate matrix of base terms provided in this section."
25 (EXHIBIT B) Mandatory language is used. (Title 15, § 2403(a))

26 Mathematically—even if Petitioner had all his credits ignored
27 by CDCR, as they have been—once CDCR does the required utiliza-
28 tion of the appropriate Matrix Base Terms and adds the maximum

1 period of parole (3 or 5 years), he has done so much time that he
2 can only be discharged.

3 Persons with first or second degree murders after 1983 have
4 parole for the remainder of their lives; thus, jurisdiction for
5 such length, until they are discharged. They are not similarly
6 situated. This has created the problem at issue. Petitioner has
7 been grouped in with persons that have lifetime jurisdiction, and
8 CDCR refuses to acknowledge that he is in a group of thousands
9 that have exceeded their sentences and their maximum parole win-
10 dow. CDCR has lost any jurisdiction over him years ago.

11 Finally, Petitioner did not file this as a petition in this
12 Court. Petitioner's brother, who understood that The Honorable
13 CLAUDIA WILKEN, District Judge, was involved in hearings regard-
14 ing California's prisons being overcrowded (Petitioner's prison
15 is well over 200% capacity) in conjunction with two other United
16 States District Courts in California, felt compelled to send the
17 Judge a letter explaining one of the reasons California prisons
18 were overcrowded, i.e., regardless of statutes and regulations,
19 CDCR was simply refusing to parole persons under the ruse that
20 they were being considered for parole. Petitioner's brother
21 pointed out that the Court and CDCR had fixed Petitioner's Maxi-
22 mum Release Date (MRD) at 1999 since Petitioner's arrival in CDCR,
23 yet completely ignored it. When he has written to CDCR officials
24 about Petitioner, they refuse to even acknowledge why they are
25 ignoring the law. Once he wrote District Judge WILKEN, a case
26 number was assigned to this petition and it was sent to Petition-
27 er. The following are the legal arguments showing that Petitioner
28 is one of thousands being falsely imprisoned for money.

1 II. PRISON OFFICIALS ARE REFUSING TO
2 DISCHARGE PETITIONER LONG AFTER
3 HIS ENTIRE SENTENCE HAS EXPIRED

4 Second degree murder in California has sentencing options
5 between 15 years and life; 15 being the minimum and life being the
6 aggravated maximum. Since the enactment of California's Penal
7 Code (PC) ². in 1873, California has encoded the Separation of
8 Powers into §§ 12 and 13. Specifically, these two sections mand-
9 ate the Court—and only the Court—both **determine** and **impose** their
10 determination of what the length of a sentence will be when there
11 are sentencing choices between certain lower and upper choices,
12 as in 15 years to life. In fact, it is illegal under California
13 law for a Court not to fix a sentence (a sentence is made up of
14 two parts; a fixed term and a parole period); especially, when the
15 sentence is left open between certain limits.

16 Section 12 mandates the Court has a duty to "determine and
17 impose the punishment prescribed." But § 13 is far more specific
18 in its mandates, and it prohibits a sentence being left open
19 between certain limits set by statute, e.g., 15 years to life for
20 second degree murder (§ 190) or 3 years to 9 years for robbery
21 (§ 213). The Court must choose a Base Term and set a parole term.

22 § 13. Limits to punishment stated; authority
23 to sentence within limits

24 PUNISHMENTS. HOW DETERMINED. Whenever in
25 this Code the punishment for a crime is left
26 undetermined between certain limits, the pun-
27 ishment to be inflicted in a particular case
28 must be determined by the court authorized to
pass sentence within such limits as may be
prescribed by this code. [Emphasis added.]

In Petitioner's case, the choices were from 15 years to life.

2. Unless otherwise stated, all references are to the Penal Code.

1 The Court, following the guidance of § 13, fixed Petitioner's
 2 Base Term at 15 years, plus two years of enhancements or 17 years,
 3 and the Court added a five-year parole period.³ This is a total
 4 of 22 years maximum actual time—if no credits are issued. The
 5 Court's choices complied with §§ 12 and 13 (see **EXHIBIT A**; Court's
 6 selections). This also complies with § 1168(b), which, in its per-
 7 tinent part, reads "the court imposing the sentence shall not fix
 8 the term or duration of the period of imprisonment."

9 What CDCR has attempted to do is mix term-fixing with sen-
 10 tence imposition. A "term" is not a "sentence." It takes a
 11 term and a period of parole to equal a sentence. (See § 1170(c)
 12 explaining parole is part of the sentence after the "term" part.)
 13 It would look as follows:

Total Sentence Imposed is 22 years	
Term or Base Term	Parole
15 yrs. + 2 = 17 yrs.	5 yrs.

14
 15
 16
 17
 18 Respondent attempts to convince the Courts that Petitioner
 19 received "Life." There are Life sentences in California, but the
 20 Legislature specifically put a minimum and a maximum, and Calif-
 21 ornia statute mandates when the sentence is left open between cer-
 22 tain limits, only the Court must specify what the total sentence
 23 (term + parole) is. In this case, they did.

24 Prior to the enactment of §§ 3041.1 and 3041.2 allowing the
 25 Governors to deny all paroles (after all the Governors have never
 26 used their statutory authority to review a "denial" of parole and

27 3. Petitioner was sentenced under § 2931, and § 3000(b)(1) uses mandatory
 28 language and limits parole to three years maximum if a person is subject to
 the provisions of § 2931. Therefore, 5 years parole appears incorrect.

1 have only used this power to review and reverse "grants" of par-
2 oles), persons regularly received parole releases under the "shall
3 normally" standard. Persons sentenced to "Life" sentences were
4 required to served a prison term of 7 calendar years prior to
5 being considered for parole release; yet, parole was for the re-
6 mainder of the persons life and prison officials retained juris-
7 diction until the person died or received a pardon. Petitioner's
8 sentence under the Determinate Sentencing Law (DSL) for second
9 degree murder of 15 years to life, is an increase from the DSL
10 5 years to 7 years option for second degree murder under the DSL.

11 Under California law, there is no presumption of aggrava-
12 tion. Respondent attempts to convince the Courts that Petitioner
13 received the maximum aggravated "Life" sentence. Petitioner did
14 not, as Petitioner received a unique, short-lived sentence that
15 occurred between 1978 and 1983, with a finite term followed by a
16 finite period of parole. (See, e.g., § 1170(b) which, in its per-
17 tinent part, reads "[t]he court shall set forth on the record the
18 facts and reasons for imposing an upper or lower term.") Clearly,
19 the Court chose 17 years plus a 5-year period of parole.

20 Arriving in CDCR, prison officials immediately followed suit
21 and fixed his Base Term just as the Court did at 17 years. It re-
22 mained fixed until the entire 17 years had expired, and remains as
23 such today (EXHIBIT C). Recently, his finite 5-year parole period
24 has also expired also; yet, CDCR contends they are still "consi-
25 dering" him for parole, when that is nothing but a sham. Petit-
26 ioner is not the first person to use the word "sham" to define
27 prison officials consideration of parole release. In 1988 (review
28 denied 1989), in In re Monigold, 253 Cal.Rptr. 120, the California

1 Court of Appeal identified how disingenuous the concept of parole
2 release was in California, when the Attorney General, Respondent's
3 counsel, submitted an argument stating that it was essentially ir-
4 relevant when an inmate went to a parole release hearing, because
5 it was "highly improbable" they could actually obtain release.

6 Moreover, the Attorney General's claim that
7 an earlier release is highly improbable, ob-
8 jectively examined, boils down to the cynical
9 suggestion that our parole procedure, at least
10 in the initial stages is a meaningless sham.
11 We cannot lend judicial support to the notion
12 [although the Court did by not acting], even
13 if it is true as a practical matter. [Emphasis
14 added.]

15 On 01 August 2006, the U.S. District Court for the Central
16 District of California, in Rosenkrantz v. Marshall, 444 F.Supp.2d
17 1063, 1081, held "the state cannot constitutionally [] have a sham
18 system where the judge promises the possibility of parole, but be-
19 cause of the nature of the crime [i.e., murder], the [parole board]
20 effectively deletes such from the system." After all, "[n]obody
21 elected the [parole board] commissioners as sentencing judges."
22 Id. Nevertheless, this is exactly what has happened and this has
23 been continuing for almost twenty years. It is much like the
24 childs' story about the Emporer having no clothes on. Everyone
25 knows about it, but no one will say anything, until an innocent
26 child speaks the truth.

27 Here, Petitioner received a Base Term and finite parole per-
28 iod from the Court, as statute mandates. CDCR fixed his Maximum
29 Release Date or MRD (Cal. Code Regs. (CCR), Title 15, § 2000(b)(64))
30 at 17 years in 1999. A MRD is defined as "the latest date on which
31 a DSL prisoner can be released from confinement." One look at
32 Petitioner's MRD (EXHIBIT C) shows that it was set in 1984, when

1 Petitioner first arrived in prison. The reason Petitioner's MRD
2 was set promptly upon his arrival in CDCR is because the Californ-
3 ia Supreme Court mandated such in In re Rodriguez, 14 Cal.3d 639
4 (1975), when they mandated that a primary term, which was exclu-
5 sive of the early parole release date, must be fixed promptly."
6 This was mandated, because the California parole board had spent
7 the previous 60 years using parole to extend sentences and became
8 so abusive that the DSL was implemented. Consequently, prison of-
9 ficials were instructed to fix terms promptly and they did. In
10 fact, looking at EXHIBIT C, the Court can see this 1999 date was
11 reviewed and reaffirmed year after year and decade after decade;
12 yet, it never occurred to CDCR that they had a legal or constitu-
13 tional duty to actually release Petitioner.

14 CDCR cannot build their empire if they have to release per-
15 sons, as a balance must be maintained. With prison guards earn-
16 ing 100,000 dollars a year for reading magazines and newspapers
17 all day to kill hte boredom, their union has a vested interest in
18 keeping as many actual human beings imprisoned long after their
19 sentences as possible. There is more.

20 In 1984 when Petitioner committed his offense, the law re-
21 quired if CDCR wanted to extended his "term" (they have no legal
22 authority to extend his sentence), they must review his term as
23 set by the Court (EXHIBIT A), and if administratively they feel
24 Petitioner should serve a longer term, they must notify Petitioner
25 within 90 days and hold a Serious Offender Hearing (SOH), now
26 administratively called an Extended Term Hearing (ETH), within 120
27 days. This provision is set forth in § 1170.2 has a title that
28 refers to offenses that were committed prior to 01 July 1977, but

1 § 5078(a) explains that the parole board that is presently seated
2 "shall exercise and perform all the powes and duties granted to,
3 exercised by, and imposed upon the [previous parole boards]." [Em-
4 phasis added.] One of their duties was to consider whether a SOH/
5 ETH should be held. If one is not held, it is illegal and a viol-
6 ation of due process and the statute of limitations to extend a
7 prison term 20 years later. This was the purpose of Rodriguez
8 that brought about the DSL, i.e., to either fix a term promptly or
9 hold a hearing and while allowing due process explain to a person
10 why they were not going to have their term fixed. The exhibits
11 attached hereto clearly show that prison officials chose to fix
12 Petitioner's term year after year at the same date.⁴ It has re-
13 mained intact for 24 years, no Extended Term Hearing (see **EXHIBIT**
14 **D**) was held, Petitioner has now exceeded it and his entire parole
15 period—without considering any credits he is owed by CDCR—and
16 because of the Zero Release Policy, Petitioner is being kept im-
17 prisoned.

18 Petitioner is being subjected to a Bill of Attainder in vio-
19 lation of the Federal Constitution's prohibitions against such,
20 because of his status as a disfavored person. The Supreme Court
21 in Calder v. Bull, 3 Dall. 386, 388 (1798), clarified the defini-
22 tion of a Bill of Attainder is "authoriz[ing] manifest injustice
23 by positive law" and laws "stimulated by [personal] ambition, or
24 personal resentment, and vindictive malice." What could be more
25 of a Bill of Attainder than holding persons in prison years or over
26 a decade after the end of their sentences in America than to do so

27 4. The first page of **EXHIBIT C** shows the Maximum Release Date was fixed in
28 1984 at 10 August 1999. Petitioner was given 15 days of credits shortly there-
after, and all other Maximum Dates have been 26 July 1999 for 23 years.

1 solely to gain political votes by being able to point at human
2 beings and proclaim to the masses, "Look!! I refused to release
3 them and never will!!" Protection against arbitrary government
4 action is what the Fifth and Fourteenth Amendments were designed
5 to prevent. Wolff v. McDonnell, 418 U.S. 539, 558 (1972).

6 Courts violate due process guarantees when they impose un-
7 expected criminal penalties by construing existing laws in a manner
8 that the accused could not have foreseen at the time of the al-
9 leged criminal conduct. People v. Blakely, 96 Cal.Rpr.2d 451
10 (2000), citing U.S. v. Lanier, 520 U.S. 259, 266-67 (1997); Marks
11 v. U.S., 430 U.S. 188, 191-92 (1977); and Bouie v. City of Columbia, 378
12 U.S. 347, 353 (1964). It is virtually impossible to read the crimi-
13 nal statutes at issue, set forth herein, as well as administrative
14 regulations, in 1982 when the offense occurred, and conclude that
15 Petitioner was sentenced to die in prison. After all, he entered
16 CDCR in his twenties and is in his fifties without ever having
17 been charged with doing anything violent to anyone, despite being
18 attacked, jumped, shot at and all the plethora of other violent
19 acts he has been subjected to in prison by guards and inmates
20 alike.

21 CDCR correctly define Petitioner's term as a DSL Indeter-
22 minate Term. In other words, the sentence is finite, but because
23 the term fluctuates with credits or rule violations, it is inde-
24 terminate; thus, determinate sentence (DSL) and indeterminate
25 term. (See, e.g., DOM § 73010.6.16; EXHIBIT E.) The California
26 Supreme Court has held "[o]nce prisoner has completed his fixed
27 term [or Maximum Release Date], board is mandated to release him."
28 In re Rogers, 28 Cal.3d 429, 435 (1980).

1 It is well established that the State can create a liberty
2 interest protected by the Due Process clause. See Kentucky Dept.
3 of Corrections v. Thompson, 490 U.S. 454, 461-63 (1989). In order
4 to create a protected liberty interest, "[t]here must be 'objec-
5 tive and defined criteria' which the decisionmaker is required to
6 respect." Baumann v. Arizona Dept. of Corrections, 754 F.2d 841, 844 (9th
7 Cir. 1985), citing Connecticut Board of Pardons v. Dumschat, 452 U.S. 458, 467
8 (1981) (BRENNAN, J., concurring). The language of the penal and admin-
9 istrative statutes is mandatory and unambiguous. Petitioner's
10 Maximum Release Date has been given such titles as: (i) Term;
11 (ii) Total Term; (iii) Max Date; (iv) Maximum Eligible Parole
12 Date; (v) Maximum Eligible Parole Date (Lifers); (vi) Days in
13 Custody of the Department [clearly jurisdictional]; and last, but
14 not least (vii) Days Left to Serve. What could create more of a
15 liberty interest than the four words: DAYS LEFT TO SERVE? All
16 of the dates attached to these are 26 July 1999 or 17 years for
17 a "maximum" (prior to credit reductions). This is also exactly
18 what the Court fixed Petitioner's Base Term at.

19 In Santobello v. New York, 404 U.S. 257, 262-63 (1971), the
20 High Court held that a Court was bound by the promises made there-
21 in. No party has disputed that the Court fixed Petitioner's Base
22 Term at 17 years aggregate (EXHIBIT A) with a maximum 5 years of
23 parole. The evidence is intaglio and expressed in the "Judgment."
24 In Brown v. Poole, 337 F.3d 1155 (9th (Cal.) 2003), petitioner Brown found
25 herself subjected to the same Zero Release Policy. She petitioned
26 the Court complaining that in Court the prosecutor had promised
27 her she would only have to do 15 years for second degree murder,
28 with one-half off in good conduct credits, or 7½ years total.

1 Brown had already served over 17 years and had not been released,
2 when the Ninth Circuit held enough was enough and mandated the
3 Superior Court honor its promises. The Brown Court held that:

4 Plea agreements are contractual in nature
5 and are measured by contract law standards.
6 [Citation omitted.] [¶] The question is
7 whether the additional concessions are bind-
8 ing. Brown's due process rights conferred
9 by the federal constitution allow her to
10 enforce the terms of the plea agreement.
11 See Santobello [supra]. [Other citations
12 omitted.]

13 Here too the question is whether any of the promises in wri-
14 ting by both the Court and CDCR promising Petitioner a 17-year term
15 and a 5-year parole period are binding. In Brown, the prosecutor's
16 offer during a plea colloquy was held binding. Surely the Court's
17 stating on a Judgment form that they select 17 years, as required
18 by §§ 12 and 13, followed by CDCR doing the same for as long as
19 Petitioner has been in CDCR has to create a protected liberty int-
20 erest.

21 In McQuillion v. Duncan, 342 F.3d 1012 (9th Cir. 2003), the
22 Ninth Circuit found that McQuillion had served in excess of his
23 possible term and parole period for two first degree murders. His
24 term had expired in 1994, and like Petitioner, McQuillion had a
25 finite three-year period of parole. This means his entire sentence
26 (term + parole) expired in 1997. In 2003, because of the Zero Re-
27 lease Policy, the Attorney General's Office was arguing that he
28 should not be released, and basically clinging to straws. The Ninth
Circuit realized that McQuillion, like Petitioner, could never be
paroled, because mathematically he had served in excess of his sen-
tence. McQuillion was ordered immediately discharged without par-
ole, because the Court realized CDCR and the board had lost all



1 jurisdiction. Petitioner, who is entitled to his already earned
2 day-for-day credits under §§ 2931, 2933 and 2934 but has not been
3 given them, has 24 actual years and approximately 23 years of
4 credits to apply to his sentence. CDCR's Matrix Base Term Guide-
5 lines (EXHIBIT B) ranges from 15 years (the minimum mitigated)
6 to 21 years (maximum aggravated). Even if Petitioner was given
7 the "maximum and aggravated" (it does not actually apply to him)
8 Base Term—twice—he would have completed his Base Term and parole period
9 also. There are no guidelines that could explain why Petitioner
10 has 47 years of actual and earned credits towards a second degree
11 Matrix Guidelines (CCR, Title 15, § 2403(c)). The Matrix of Base Terms
12 for first degree murder (*id.* at 2403(b)) range from 25-33 years.
13 Petitioner has served almost twice the amount for a first degree
14 murder under the Zero Release Policy.

15 Published prison regulations may create a
16 protected interest. *Olim v. Wakinekona*,
17 [461 U.S. 238, 249-50 (1983)]. . . .
18 [C]ircuit courts generally have held that
explicit written pronouncements may create
a protected interest. [Citations omitted.]
19 Baumann, 754 F.2d at 844.

20 All prison regulations set forth herein have explicit lan-
21 guage promising Petitioner's release and on a specific date—at
22 the latest. At this point, Petitioner is not even addressing
23 the possibility of early release on parole, as like McQuillion,
24 it has become an impossibility. In Johnson v. Williford, 682
25 F.2d 868 (9th Cir. 1982), prison officials erroneously fixed
26 Johnson's release date over and over. He reached it and was re-
27 leased, until his parole officer read the paperwork and found he
28 was not entitled to the release date that was given him and re-

1 turned to prison. In summary, the Ninth Circuit held that a lib-
2 erty interest was created when prison officials started informing
3 him of his release date; although an erroneous one. Comparing
4 that to the instant case where Petitioner has been given his
5 Maximum Release Date in 1999 for over 20 years, Petitioner surely
6 must have a liberty interest, as Petitioner is better situated, in
7 that he has legally been allowed to leave prison since 1992. Pe-
8 titioner's release is clearly not premature like Johnson's. After
9 all, "[e]ven convicted criminals are entitled to be treated by
10 their government in a fair and straightforward manner." Id. at 872.

11 The general rule is that a change in a legal sentence to
12 increase the penalty it imposes violates the double jeopardy
13 clause. U.S. v. Wingender, 711 F.2d 869 (1983); see Kennedy v.
14 United States, 330 F.2d 26, 27-28 (9th Cir. 1964). Double jeo-
15 pardy clause's protection against multiple punishments prohibits
16 government from punishing twice or attempting a second time to
17 punish criminally for the same offense. [Emphasis added.] U.S.-
18 v. Ursery, 116 S.Ct. 2135 (1996), on remand 93 F.3d 1485. This
19 is exactly what has been occurring.

20 California's administrative code (CCR, Title 15, Div. 2, §
21 2345, "Excess Credit," states "[i]f any custody credit remains
22 after deducting it from the offense to which it applies, the re-
23 maining credits shall be deducted from the parole period." In
24 the instant case it nullifies any parole period. Further impri-
25 sonment for political gains is double jeopardy, a violation of
26 due process and the separation of powers, a bill of attainder, a
27 violation of the laws of statutory construction, and would appear
28 to be morally offensive when persons are literally imprisoned with



1 the sole purpose being to keep prisons overcrowded, which creates
2 a call for more prisons, which builds the empire, forces persons
3 to move up the CDCR ladder and on and on. A constitution that is
4 not violated by such actions is useless.

5 **CONCLUSION**

6 For all the foregoing reasons, Petitioner requests that the
7 contents of this petition be reviewed by The Honorable CLAUDIA
8 WILKEN, in re the ongoing litigation regarding why California's
9 prsions are overcrowded, as Petitioner is in a unique group of
10 persons with a finite term and finite parole period that have long
11 ago expired but is being held for financial reasons. The writ
12 should issue, as the evidence is undisputed and the language of
13 the administrative and openal statutes in support of Petitioner's
14 contentions are mandatory and unambiguous. Petitioner has a lib-
15 erty interest that has existed for over fifteen years in being
16 released, he cannot be paroled, and he must be discharged.

17 01 July 2007

18 Respectfully submitted,

19 *Barry Simon Jameson*
20

21 BARRY SIMON JAMESON
22 Petitioner,
23 Representing Self and
24 Layman at Law. Under
25 Disability of Imprisonment

26 Attachments

27 :bsj
28



EXHIBIT A

DEPT. SC G

256

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

JUNE 15, 1984

TABLE:

KURT J LEWIN
N NAVARREJUDGE
Deputy SheriffL RIVAS , Deputy Clerk
G DONESTER , Reporter
(Parties and counsel checked if present)A 626213
PEOPLE OF THE STATE OF CALIFORNIACounsel for
Plaintiff

R Philibosian

DISTRICT ATTY.

BY

DEPUTY

VS

01 JAMESON, BARRY

Counsel for
Defendant

W Littlefield

PUBLIC DEFENDER

BY

187 01CT PRIOR

L MCMILLAN DEPUTY

NATURE OF PROCEEDINGS PROBATION AND SENTENCE

(Boxes checked if order applicable)

DEFENDANT'S MOTION FOR NEW TRIAL IS DENIED

COURT ADVISES DEFENDANT OF HIS APPEAL RIGHTS

PROBATION DENIED. SENTENCE AS INDICATED BELOW.

Whereas the said defendant having BEEN FOUND
 guilty in this court of the crime of MURDER, IN VIOLATION OF SECTION 187 OF THE
 PENAL CODE, A FELONY AS CHARGED IN COUNT I OF THE INFORMATION AND
 FURTHER FIND IT TO BE MURDER IN THE SECOND DEGREE.

> COURT SELECTS FIFTEEN YEARS FOR THE BASE TERM AS TO COUNT I PLUS <
 ONE YEAR PURSUANT TO PENAL CODE SECTION 12022(b) CONSECUTIVE PLUS
 ONE YEAR PURSUANT TO 667.5(b) & 1203(e)(4) PENAL CODE CONSECUTIVE.

It is Therefore Ordered, Adjudged and Decreed that the said defendant be punished by imprisonment in the
 State Prison.

FIFTEEN YEARS TO LIFE, PLUS ONE YEAR PURSUANT 12022(b)
 AND ONE YEAR FOR SECTION 667.5(b) & 1203(e)(4) PENAL CODE,
 FOR A TOTAL OF 17 YEARS TO LIFE

☒ Defendant is given credit for 141 days in custody, includes 147 days GT/WT.
 It is further Ordered that the defendant be remanded into the custody of the Sheriff of the County of Los Angeles
 and delivered by him into the custody of the Director of Corrections at the California State Institution

☒ for Men at Chino, California
☐ for Women at Frontera, California

☐ Remaining count(s) dismissed in interests of justice.
☐ Bail exonerated.

jj

ENTERED
 JUNE 15, 1984
 JOHN J CORCORAN

COUNTY CLERK
 AND CLERK OF THE
 SUPERIOR COURT

JUDGMENT

EXHIBIT B

62
CALIFORNIA CODE OF REGULATIONS
C.C.R., TITLE 15,
DIVISION 2

§ 2404

Title 15

Board of Prison Terms

(c) Matrix of Base Terms for Second Degree Murder on or after November 8, 1978.

CIRCUMSTANCES	SUGGESTED BASE TERM		
	A. Indirect Victim died of causes related to the act of the prisoner but was not directly assaulted by prisoner with deadly force; e.g., shock producing heart attack; a crime partner or family did the killing.	B. Direct or Victim Contribution Death was almost immediate or resulted at least partially from contributing factors from the victim; e.g., victim initiated struggle or had guided the prisoner. This does not include victim acting in defense of self or property.	C. Severe Trauma Death resulted from severe trauma inflicted with deadly intent; e.g., beating, clubbing, stabbing, strangulation, suffocation, burning, multiple wounds inflicted with a weapon not resulting in immediate death or actions calculated to result in death.
SECOND DEGREE MURDER Penal Code § 190.5(a) and does not include post conviction credit as provided in § 12001	15-16-17	16-17-18	17-18-19
I. Participating Victim Victim was accomplice or otherwise implicated in a criminal act with the prisoner during which or as a result of which the death occurred, e.g., crime partner, drug dealer, etc.	16-17-18	17-18-19	18-19-20
II. Prior Relationship Victim was involved in a personal relationship with prisoner (spouse, family member, friend, etc.) which contributed to the motivation for the act resulting in death. If victim had a personal relationship but prisoner failed and/or paid a person to commit the offense, see Category IV.	17-18-19	18-19-20	19-20-21
III. No Prior Relationship Victim had little or no personal relationship with prisoner; or motivation for act resulting in death was related to the accomplishment of another crime; e.g., death of victim during robbery, rape, or other felony.			

PRIOR TO CREDIT
REDUCTION

- (1) The crime involved some factors described in the appropriate matrix in a category higher on either axis than the categories chosen as most closely related to the crime;
- (2) The victim was particularly vulnerable;
- (3) The prisoner had a special relationship of confidence and trust with the victim, such as that of employee-employer;
- (4) The murder was committed to preclude testimony of potential actual witnesses during a trial or criminal investigation;
- (5) The victim was intentionally killed because of his race, color, religion, nationality or country of origin;
- (6) During the commission of the crime the prisoner had a clear opportunity to cease but instead continued;

Note: Authority cited: Section 5076.2, Penal Code. Reference: Sections 3040 and 3041, Penal Code.

HISTORY

- Editorial correction filed 10-8-81; effective thirtieth day thereafter (Register 81, No. 41).
- Amendment of subsection (a) filed 1-20-88; operative 2-19-88 (Register 98, No. 5).

§ 2404. Circumstances in Aggravation of the Base Term.

(a) General. The panel may impose the upper base term or another term longer than the middle base term upon a finding of aggravating circumstances. Circumstances in aggravation of the base term include:

EXHIBIT C

② CDC NUMBER C-88511	ALPHA ID	NAME JAMESON, Barry	TERM STARTS 07-02-84	TERM ENDS 7.5
MAX. RELEASE DATE 8-10-99 TO BE DETERMINED	MIN. BASE DATE MEPD: 12-5-82 2-7-94	MIN. ADJ. RELEASE DATE GT OR LOST/AT LARGE/BAIL 3-3-94 5-30-95	PAROLE PERIOD 05 Years	

BASE TERM 15-00 + ENHANCEMENTS 02-00 200 = TOTAL TERM 17-LIFE
 GOOD TIME CREDITS AVAILABLE (2931 PC) (PC 230 481 EC 694 660 2442) = 2925 921

PRE PRISON CREDITS:

CASE NO. LA A626213

HEARINGS:

RX: 04-85 Doc #2
 DOC: 12-87 12/90
 INIT: 11-93 11/94
 10-92 11/92

2900.5 PC	294
1202.03 PC	
2900.1 PC	
CRC	
Mental Health	
4019 PC	147
2931 PC	
Post Sentence	16

TOTAL PRE PRISON CREDITS (DAYS) 457

REGISTRATION REQUIRED PER

DATE REC'D	CO. CASE NO.	CT.	CODE & OFFENSE	TYPE WFN.	DATE OF OFFENSE	SENTENCE DATE
------------	--------------	-----	----------------	-----------	-----------------	---------------

CONTROLLING PRINCIPAL AND CONSECUTIVE (INCLUDING ENHANCEMENT) OFFENSE(S):

02-84	LA A626213	01	P187 MURDER 2nd		12-29-82	06-15-84
	01-PPT		15-LIFE			
			P12022(b) W/USE D/W	KNIFE		

INVESTIGATING AGENCY: L. McMillan
 INVESTIGATING AGENCY: Los Angeles Sheriff

Correction
F/G

*Recalculation
 11-11-84*

NAME JAMESON C-88511 LPU 11-11-84 RD/mlb

CDC 188C (1/81)

Ex. P.



California
Department of
Corrections
**OPERATIONS
MANUAL**

Chapter: 70000
Case Records Information

Subchapter: 73000
Legal

Section: 73030
Time Computations

**73030.8.7
MAXIMUM RELEASE
DATE**

The maximum release date is calculated by adding the term ordered by the court to the term starts date and subtracting applicable preprison credits.

**73030.8.8
MINIMUM RELEASE
DATES**

ISL (crime committed prior to 7-1-77):

- The minimum term is established by statute.
- The minimum eligible parole date (MEPD) is determined by adding the statutory minimum term of confinement or the result of computation of aggregate minimum terms to the received date and subtracting any applicable preprison credits.

DSL (PC Section 2931, crime committed on or after 7-1-77):

The minimum DSL (MIN DSL) release date is calculated by subtracting all applicable days of goodtime credit from the maximum release date.

- This date shall be adjusted by any credits forfeited and/or restored in the disciplinary process.

DSL IWTIP (PC Section 2933, crime committed on or after 1-1-83):

The earliest possible release date (EPRD) is determined in these steps:

- Subtract all earned worktime credit, adjusted by any loss/restoration, from the maximum release date, the result of which is the current release date.
- Subtract from the current release date the date through which credit was applied.
- Divide the remaining number of days eligible for credit based on credit earning status
- Subtract the resulting number of days from the current release date. That date is the EPRD.

An EPRD is a projected date contingent upon the inmate remaining in the same credit earning work group, having no unexcused absences and no forfeited or restored credit.

VESTED CREDITSPURSUANT TO PC 2934

A 1. Date Signed Waiver

2. Date Received CDC-on controlling term

3. Days served to Date

4. Days Post Sentence Credit

5. Total Days Served to Date

B 1. Credits to be Vested Pursuant
to PC 2934 (A 5 ÷ 2) (Reduce
fraction to lower whole number)

C 1. Date Received CDC-on controlling term

2. Term

3. Pre-Sentence Credits

4. Minus B 1

5. Max Date

6. Credits Lost Per PC 2932

7. Max Date

D 1. Date Signed Waiver

2. No. of Days Left to Serve Pursuant
to PC 29333. Divide Line 3 by 2 (Reduce fraction
to lower whole number)4. Earliest Possible Release Date
Subtract Line 3 from Line C7E 1. Parole Referral Date
9 months prior to D4

Correctional Case Records Staff, Title

DATE

CDC

C 88541

NAME

J. J. J. J.

INSTITUTION

J. J. J.

RECALCULATION OF MEPD FOR 15-LIFE AND 25-LIFE PRISONERS
RECEIVED PRIOR TO 5-27-87
PURSUANT TO IN RE MONIGOLD (1988) 205 CAL. APP. 3d 1224
NO DSL TERM OR DSL TERM COMPLETED

A. CREDITS VESTED PER PC2934 (If offense date prior to 1-1-83)

1. Total days served prior to waiver date (Waiver date - received date + postsentence credit) = 501
2. A1 ÷ 2 (round down) = 250 ✓
3. Less credits lost per PC2932 = 15
4. Credits to be vested = 235

B. MAXIMUM ELIGIBLE PAROLE DATE

1. 84-7-2 + MEPD = 2001-7-2
RECEIVED DATE TOTAL TERM BASE DATE
2. Less total preconfinement credit = 457
3. Less A4 OR vest 1/2 postsentence credit = 235
4. MAXIMUM ELIGIBLE PAROLE DATE = 99-8-10

C. WORKTIME CREDIT PER PC2933/PC2934

1. Less MEI worktime credit earned from waiver/ received date through 2-15-89 or end of DSL term if later = 1065 ✓
2. Current MEPD (cannot exceed B4) = 96-9-9

D. GOOD TIME CREDIT PER PC2931

1. Date credit applied through (2-15-89 or date DSL term ends if later) = 84-2-15
2. Days left to serve = 2763
3. Divide by 3 (round up) = 921
4. PC Balance (D3 ÷ 4) = 230
5. BC Balance (D4 × 3) = 691

E. RECALCULATED MEPD (C2 - D3)

1. Add credits lost for CDC 115's after D1 + PC BC = 94.3.3
2. Subtract restorations for credit losses in E1 - PC BC
3. New PC/BC Balance PC = 230 BC = 691
4. Add any 7 or 9 year MEPD CS Life term(s) + 0

F. ADJUSTED MEPD (E + E1 - E2 + E4)

= 94.3.3

G. INITIAL PAROLE CONSIDERATION HEARING
(13 months prior to F)

= 2/93
month/year

H. NEXT DOCUMENTATION HEARING # 2

= 12/90
month/year

=====

Your Minimum Eligible Parole Date has been recalculated pursuant to In-Re Monigold and you have been granted 1065 days worktime credit from 10-30-85 through 2-15-89/the end of your DSL term (circle one). Your recalculated/adjusted (circle one) MEPD is 3.3.94. Your initial life parole consideration hearing will be scheduled during the month of 2/93 first available calendar (circle one).

STaylor VLS
CASE RECORDS STAFF

10/23/89
DATE

C 88511

Jameson

CRT

RECALCULATION OF MEPD FOR 15-LIFE AND 15-TERM

PURSUANT TO RECEIVED PRIOR TO 5-27-84
 RE MONIGOLD (1988) 205 C.M. APP. 3d 1224
 NO DSL TERM OR DSL TERM COMPLETED

TO: BECKY DARDEN
 916-324-1345

A. CREDITS VESTED PER PC2934 (If offense date prior to 1-1-83)

1. Total days served prior to waiver date (Waiver date
 - received date + postsentence credit) = 501
2. A1 + 2 (round down) = 250
3. Less credits lost per PC2932 = 0
4. Credits to be vested = 250

B. MAXIMUM ELIGIBLE PAROLE DATE

1. 7-2-84 + 17 = 7-2-2001
 RECEIVED DATE TOTAL TERM BASE DATE
2. Less total preincarceration credit = 457
3. Less A4 OR vest 1/2 postsentence credit = 250
4. MAXIMUM ELIGIBLE PAROLE DATE = 7-26-1999

C. WORKTIME CREDIT PER PC2933/PC2934

1. Less NEI worktime credit earned from waiver/
 received date through 2-15-89 or end of DSL
 term if later = 1176
2. Current MEPD (cannot exceed B4) = 5-6-96

D. GOOD TIME CREDIT PER PC2931

1. Date credit applied through (2-15-89
 or date DSL term ends if later) = 2-15-89
2. Days left to serve = 2637
3. Divide by 3 (round up) = 879
4. PC Balance (D3 ÷ 4) = 220
5. BC Balance (D4 x 3) = 660

E. RECALCULATED MEPD (C2 - D3)

1. Add credits lost for CDC 115's after D1 + PC BC 60
2. Subtract restorations for credit losses in E1 - PC BC
3. New PC/BC Balance PC=220 BC=660
4. Add any 7 or 9 year MEPD CS Life term(s) +

F. ADJUSTED MEPD (E + E1 - E2 + E4)

= 2-7-94 all Jan

G. INITIAL PAROLE CONSIDERATION HEARING
 (13 months prior to F)

= 1-93 She
 month/year

H. NEXT DOCUMENTATION HEARING

12-90

=
 month/year

Your Minimum Eligible Parole Date has been recalculated pursuant to
 In Re Monigold and you have been granted _____ days worktime credit
 from _____ through 2-15-89/the end of your DSL term (circle one).
 Your recalculated/adjusted (circle one) MEPD is _____. Your initial
 life parole consideration hearing will be scheduled during the month
 of _____/first available calendar (circle one).

O'Connor CLK

10-15-90

CASE RECORDS STAFF

DATE

@88511

Jameson, Barry

Ryd

NUMBER

NAME

INSTITUTION

5/89

FORM A - SIDE 1

8

COPIED AT STATE EXPENSE

RECALCULATION OF MEPD FOR 15-LIFE AND 25-LIFE PRISONERS
 RECEIVED PRIOR TO 5-27-87
 PURSUANT TO IN RE MONIGOLD (1988) 205 CAL. APP. 3d 1224
 NO DSL TERM OR DSL TERM COMPLETED

A. CREDITS VESTED PER PC2934 (If offense date prior to 1-1-83)

1. Total days served prior to waiver date (Waiver date - received date + postsentence credit) = 501
2. $A1 \div 2$ (round down) = 250
3. Less credits lost per PC2932 = 2
4. Credits to be vested = 250

B. MAXIMUM ELIGIBLE PAROLE DATE

1. 7-2-84 + 17 = 7-2-2001
 RECEIVED DATE TOTAL TERM
 BASE DATE
2. Less total preconfinement credit = 457
3. Less A4 OR vest $1/2$ postsentence credit = 250
4. MAXIMUM ELIGIBLE PAROLE DATE = 7-26-99

C. WORKTIME CREDIT PER PC2933/PC2934

1. Less ~~NEI~~ worktime credit earned from waiver/ received date through 2-15-89 or end of DSL term if later = 1176 ✓
2. Current MEPD (cannot exceed B4) = 5-6-96

D. GOOD TIME CREDIT PER PC2931

1. Date credit applied through (2-15-89 or date DSL term ends if later) = 2-15-89
2. Days left to serve = 2637
3. Divide by 3 (round up) = 879
4. PC Balance ($D3 \div 4$) = 219
5. BC Balance ($D4 \times 3$) = 660

E. RECALCULATED MEPD ($C2 - D3$)

1. Add credits lost for CDC 115's after D1 + PC BC = 12-9-93
2. Subtract restorations for credit losses in E1 - PC BC = 219 BC = 660
3. New PC/BC Balance = 219 BC = 660
4. Add any 7 or 9 year MEPD CS Life term(s) + —

F. ADJUSTED MEPD ($E + E1 - E2 + E4$) = 12-9-93

G. INITIAL PAROLE CONSIDERATION HEARING (13 months prior to F) = 11/92
 month/year

H. NEXT DOCUMENTATION HEARING # 2 = 2/90
 month/year

Your Minimum Eligible Parole Date has been recalculated pursuant to In Re Monigold and you have been granted 1176 days worktime credit from 10-30-85 through 2-15-89 the end of your DSL term (circle one). Your recalculated (adjusted (circle one) MEPD is 12-9-93. Your initial life parole consideration hearing will be scheduled during the month of 11/92 first available calendar (circle one).

V. Raso 7-14-90
 CASE RECORDS STAFF DATE
88511 Jameson CRF
 NUMBER NAME

VESTED CREDITSPURSUANT TO PC 2934

A	1. Date Signed Waiver	<u>10-30-85</u>
	2. Date Received CDC - on Controlling Term	<u>- 7-2-84</u>
	3. Days Served to Date	<u>= 485</u>
	4. Days Post Sentence Credit	<u>+ 16</u>
	5. Total Days Served to Date	<u>= 501</u>
B	1. Credits to be Vested Pursuant to PC 2934 (A 5 ÷ 2) (Reduce fraction to lower whole number)	<u>= 250</u>
C	1. Date Received CDC - on Controlling Term	<u>7-2-84</u>
	2. Term	<u>+ 17 yrs</u>
		<u>= 7-2-2001</u>
	3. Pre-Sentence Credits	<u>- 457</u>
		<u>= 4-1-2000</u>
	4. Minus B 1	<u>- 250</u>
	5. Max Date	<u>= 7-26-1999</u>
	6. Credits Lost per PC 2932	<u>+ 15</u>
	7. Adjusted Max Date	<u>= 8-10-1999</u>
D	1. Date Signed Waiver	<u>_____</u>
	2. No. of Days Left to Serve Pursuant to PC 2934	<u>= _____</u>
	3. Divide line 2 by 2 (Reduce Fraction to Lower Whole Number)	<u>= _____</u>
	4. Earliest Possible Release Date Subtract Line 3 From Line C 7	<u>= _____</u>

Correctional Case Records Staff

CDC C88511 NAME JAMESON INSTITUTION FOLSOM

THESE TERM FIXING FORMS THAT
ARE ENCLOSED ARE ADDED TO SHOW
THAT IT WAS NOT A CLERICAL
ERROR AND THAT OTHERS SIMILARLY
SITUATED FROM DIFFERENT PRISONS
THROUGHOUT CDC ALSO RECEIVED SUCH
DATES, AS IT WAS MANDATED PER THE
LAW AND CDC POLICY AND PROCEDURE

TIME CREDIT WAIVER
(2934PC)

I, James Mac Donald having been committed for an offense which occurred prior to January 1, 1983, understand that conduct credit is granted to me pursuant to Section 2931 of the Penal Code. I am aware that pursuant to Section 2931 of the Penal Code my term shall be reduced by one-third for good behavior and participation.

I hereby waive my rights to the provisions of Section 2931 of the Penal Code. By making the voluntary waiver, I request that future Time Credit be granted pursuant to Section 2933 of the Penal Code.

I am aware and understand that Time Credit will be granted, based upon the work group to which I am assigned as follows:

Work Group A: For each six months full-time assignment, six months credit, or one day credit for each day assigned for a lesser period.

Work Group B: For each six months of one-half day assignment or enrollment in a two or four year college program leading to a degree, three months credit, or one day credit for each two days assigned for a lesser period.

Work Group B2: For each six months on a waiting list, three months credit or one day for each two days on a waiting list for lesser period.

Work Group C: Zero credit will be earned if I refuse a full time assignment.

Work Group D: When I am in lockup status due to a disciplinary infraction zero credit will be earned for a period equal to the number of days of any credit loss, which may be extended in six month increments thereafter.

I am also aware that my work group may be changed, by the Department, due to my behavior and/or work performance. This waiver will be effective only when accepted by the Department. I am also aware that this waiver is irrevocable.

This waiver is accepted by the Department and is effective 5-2-85

Signed: James Mac Donald

Number: C-24488

Date: 5-2-85

Witnessed:

Wm. Samuel Chapo

Title: Collection Clerk

Date: 5-2-85

RECEIVED
MAY 08 1985

RECORDS OFFICE
FOLSOM STATE PRISON

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

LEGAL STATUS

CDC NUMBER	ALPHA ID	NAME	TERM STARTS	ETHNIC
C-52135		BURNHAM, Kenneth W.	08-19-82	White
MAX. RELEASE DATE	MIN. RELEASE DATE	MIN. ADJ. RELEASE DATE GT CR LOST/AT LARGE/BAIL	PAROLE PERIOD	
01-22-96	07-29-91		05 years	

BASE TERM 15-00 + ENHANCEMENTS 00-00 = TOTAL TERM 15-00GOOD TIME CREDITS AVAILABLE (2931 PC) (PC 410 BC 1228) = 1638PRE PRISON CREDITS: CASE NO. SJ 326422900.5 PC 3781202.03 PC 2900.1 PC CRC Mental Health 4019 PC 1892931 PC Post Sentence 08TOTAL PRE PRISON CREDITS (DAYS) 575REGISTRATION REQUIRED PER

DATE REC'D	CO. CASE NO.	CT.	CODE & OFFENSE	TYPE WPN.	DATE OF OFFENSE	SENTENCE DATE
---------------	-----------------	-----	----------------	--------------	--------------------	------------------

CONTROLLING PRINCIPAL AND CONSECUTIVE (INCLUDING ENHANCEMENT) OFFENSE(S):

08-19-82 SJ 32642 01 P187 MURDER 2nd Knife 06-24-81 08-10-82
15 - Life

NON-CONTROLLING OFFENSE(S):

08-19-82 SJ 32642 02 P487.3 GT PERSON 06-24-81 07-29-82

INMATE COPY.

DEFENSE ATTORNEY: William Johnson
INVESTIGATING AGENCY: San Joaquin Sheriff's Office

NAME BURNHAM C-52135 LPU 10-22-82 MK:neg Page 2

CDC 188C (1/81)

Ex. P.

STATE OF CALIFORNIA
CREDIT/TERM COMPUTATION

A. MAXIMUM ELIGIBLE PAROLE DATE (LIFERS)

1. 8-19-82 + 15 yrs = 8-19-97
RECEIVED DATE TOTAL TERM BASE DATE

2. Less total preconfinement credit - 575

3. MAXIMUM ELIGIBLE PAROLE DATE = 1-22-96

B. GOOD TIME CREDIT

1. Received date or 7-1-77
whichever is later - 8-19-82

2. Days in custody of department = 4904

3. Postsentence + 8

3.2 Minus enhancement - 0

4. Days in custody on which
GTC may be earned = 4912

5. $\div 3$ = GOOD TIME CREDIT = 1638

C. MINIMUM ELIGIBLE PAROLE DATE (A-3 minus B-5) = 7-29-91

COMMENTS:

=====
Computed by M. King 10-5-82
Case Records Spec. date
Audited by _____
Case Records _____ date
=====

INMATE COPY

Ex. P.

NAME Burnham, Kenneth W. NUMBER C-52135 INSTITUTION LPU DATE 10-5-82
CDC 6792L (Rev 12/81)

CDC CLASSIFICATION SCORE SHEET

RACE/ETHNIC STATUS (code one): 1-White 6-Japanese 2-Mexican descent 7-Filipino 3-Black 8-Hawaiian 4-Indian 9-Other 5-Chinese		DATE LAST RECEIVED CDC: no day year 08 19 82		COUNTY: 5 J 0 A Q		BASE OFFENSE: Murder 2 nd (name)	
BASE OFFENSE CODE: P NUMBER: 187		MINIMUM RELEASE DATE: no day year 41 FE		STATUS (code one): 1-New Commitment 2-PV-WNT 3-PV-RTC		RECEPTION CENTER: RCC NRC CRC CCC RCN SQ CIN	

CALCULATION OF SCORE

BACKGROUND FACTORS		PRIOR INCARCERATION BEHAVIOR	
1. Total DSL Term a) Sentence length: 15 b) Minus 1 year: 14 x 4 = 56		6. Unfavorable Prior Behavior a) # serious or major disciplinary last incarcerated year: 0 x 4 = 00	
2. Stability a) Under 26 yrs. at reception: +2 = 2 b) Never married/common law or marriage not intact: +2 = 2 c) Not high school graduate or GED: +2 = 0 d) Not more than 6 months with one employer: +2 = 3 e) No military or not honorable discharge: +2 = 0		b) Escape in last incarceration: 0 x 8 = 00 c) # physical assaults on staff: 0 x 8 = 00 d) # physical assaults on inmates: 0 x 4 = 00 e) # smuggling/trafficking drugs: 0 x 4 = 00 f) # possessing deadly weapons: 0 x 4 = 00 g) # inciting disturbance: 0 x 4 = 00 h) # cause serious injury/assault: 0 x 16 = 00	
3. Prior Escapes a) # walkaways/escapes: 0 x 4 = 00 b) # breached perimeter or escape in committing crime: 0 x 8 = 00 c) # escapes with force: 0 x 16 = 00		7. Favorable Prior Behavior a) Successfully completed last four months in any minimum custody or successful dorm living last incarceration: +4 = 0 or successful minimum custody last year of incarceration: +4 = 0 b) No serious or major IIS's last year of incarceration: +4 = 0 c) Full time work/school/veg. above average program last incarcerated year: +4 = 0	
4. Holds and Detainers a) # holds where new prison sentence, deportation likely: 0 x 8 = 00		Total Unfavorable Points: 0	
5. Prior Sentences Served a) # jail or county juvenile of 31+ days (limit to 3): 0 x 2 = 00 b) # CYA, state level juvenile (limit to 3): 0 x 2 = 00 c) # CDC, CRC, adult state-federal level (limit to 3): 0 x 4 = 00		Total Favorable Credits: 0	
1) Total Background Factors Score: 60		11) Net Incarceration Behavior Score: Unfavorable minus Favorable: 0	
Work Skills:		TOTAL COMBINED BACKGROUND FACTORS AND PRIOR INCARCERATION SCORE: 60	
Counselor's signature: BA		Supervisor's Signature: [Signature]	

CLASSIFICATION STAFF REPRESENTATIVE ACTION

Institution Approved:	Cat:	CSR Last Name:	P.I.	Exceptional Placement:	Date of Action:
SQ	1	HEARNES	D	1	08 30 82
*Explain Exceptional Placement:					

INMATE COPY

CDC NUMBER: (end in Col. 6) INMATE'S LAST NAME: (start in Col. 7)

INITIALS: YEAR OF BIRTH:

0	5	2	1	2	5	B	U	R	N	L	A	M	K	W	5	7
---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---

Ex. P.

STATE OF CALIFORNIA
EDIT/TERM COMPUTATION

MAXIMUM DSL DATE

1. 5-1-6-10 + 17 = 98-6-10
RECEIVED DATE TOTAL TERM BASE DATE
2. Less total preconfinement credit = 112
3. MAXIMUM DSL RELEASE DATE = 2-18-98

GOOD TIME CREDIT

1. Received date or 7-1-77
whichever is later = 6-10-81
2. Days in custody of department = 6103
3. Postsentence + 6
4. Days in custody on which
GTC may be earned = 6103
5. $\div 3$ = GOOD TIME CREDIT = 2035

MINIMUM DSL RELEASE DATE (A-3 minus B-5)

REMARKS: 115'S : 12-25-82 WCL 15
8-18-82 WCL 10 8-18-92
2-27-83 WCL 90
6-5-90 WCL 90

25

Computed by	Case Records	date
Edited by	Case Records	date

Ex. P.

NAME RICHARD SHEETS NUMBER C31700 INSTITUTION DATE

A. DSL TERM

1. TERM START DATE 12-3-87
2. PLUS DSL TERM + 3
Reactive Date
 EQUALS BASE DATE 12-3-90
3. MINUS PRECONFINEMENT CREDIT 133 + 66 + 15 + 7
(Preconfinement + Presentence + Postsentence)
- 221
4. EQUALS MAX DSL - 4-26-90
5. MINUS VESTED CREDIT -
(1/2 Postsentence credit)
6. ADJUSTED MAX DSL - 4-26-90
7. MINUS NET CREDIT EARNED - 402
(Net Credit = Credit Earned - Credit Loss + Credit Restored)
(If credit loss is greater than credit earned use negative credit worksheet)
8. CURRENT RELEASE DATE ON DSL TERM - 3-20-89
9. MINUS DATE CREDIT APPLIED THROUGH - 2-28-89
10. DAYS LEFT TO SERVE - 20
11. DIVIDE DAYS TO SERVE BY CURRENT WORK GROUP - 10
(A-1, A-2, B-3, D-3, U-3, Round down)
12. CURRENT RELEASE DATE ON DSL TERM (A-8) 3-20-89
13. MINUS (A-11) - 10
14. PROJECTED EARLIEST DATE DSL TERM COULD END AND
 15/25-LIFE OR 7/9-LIFE TERM BEGINS - 3-10-89

B. CALCULATION FOR LIFE SENTENCE WITH 7/9 OR 15/25 YEAR MEPD

1. LIFE TERM START DATE (A-14) 3-10-89
2. PLUS LIFE TERM (15/25 OR 7/9 YRS) + 15
3. PROJECTED MAX ELIGIBLE PAROLE DATE - 3-10-2004
(STOP HERE FOR 7/9 YEARS TO LIFE CALCULATION)
4. MINUS LIFE TERM START DATE (A-14) - 3-10-89
5. DAYS IN CUSTODY ON WHICH GTC MAY BE EARNED - 5479
6. DIVIDE B-5 BY 3 EQUALS GOOD TIME CREDIT (round up) - 1827
7. PROJECTED MAX ELIGIBLE PAROLE DATE (B-3) 3-10-2004
8. MINUS GOOD TIME CREDITS (B-6) - 1827
9. EQUALS MINIMUM ELIGIBLE PAROLE DATE (MEPD) - 3-10-99

C. PC/BC CALCULATION (PC/BC Calculation applicable only for 15/25Yrs)

1. B-6 DIVIDED BY 4 - PC 457 DOC: _____
2. C-1 MULTIPLIED BY 3 - BC 1370 INITIAL: 2/98

D71983 Gonzales, E Mass 4/14/98
 CDC NUMBER NAME INSTITUTION DATE
 2/8/93

Smalley
 COR SPECIALIST

Total Term: 15 Yrs. to Life plus 3 years.

You were received 12-3-87 with a term of (DSL only) 3 years. The term added to the received date is 12-3-90. From this date, presentence credits of 199 days granted by the court and postsentence credits of 15 days administratively granted are deducted. Your Maximum Release Date is 5-3-90.

One-half ($\frac{1}{2}$) of the post sentence credits of 15 days (7) is deducted from your Maximum Release Date (5-3-90) to arrive at your Maximum Adjusted Release Date of 4-26-90.

You have earned 402 credits from your Waiver date of 12-3-87 through 2-28-89. You have lost 0 days through disciplinarys. You have been restored 0 days credit by the Classification Committee. The net total credit to be applied to your Maximum Adjusted Release Date is 402.

Attached is a calculation form showing that your Maximum Adjusted Release Date less your net credit leaves a current Release Date of 3-20-89. From this point we are projecting your Earliest Possible Release Date. All credit has been applied through 2-28-89. From 2-28-89 to your current Release Date of 3-20-89, there are 20 days. You are earning credit based on work group A1. (One day earned for one day worked.) Therefore, you will have to serve $\frac{1}{2}$ of these days prior to being released. One-half ($\frac{1}{2}$) of these days is 20. Ten days subtracted from your Current Release Date of 3-20-89 leaves an Earliest Possible Release Date of 3-10-89. Life term began 3-10-89.

To calculate life term calculation:

To your earliest possible release date 3-10-89 add the 15 years of the life term to reach your base date. Subtract total preconfinement credit (0) to obtain maximum eligible parole date 3-10-2004.

Good time credit is calculated by taking your Life Term start date 3-10-89, subtracting from the minimum eligible parole date 3-10-2004, to get days in custody of department 5479, minus post sentence credit 0, this is the days in custody on which good time credit may be earned 5479. Divide these days by 3 gives you your good time credit 1827. Take your maximum eligible parole date 3-10-2004, minus the good time credit 1827, will give you the minimum eligible parole date, 3-10-99.

See attached computation worksheets.

J. Okamoto
JOANNE OKAMOTO
Correctional Case Record Specialist

Ponzales Edward D 71983

COPIED AT STATE EXPENSE

STATE OF CALIFORNIA
CREDIT/TERM COMPUTATION

A. MAXIMUM ELIGIBLE PAROLE DATE (LIFERS)

1. 7-5-90 RECEIVED DATE + 17 years TOTAL TERM = 7-5-2007 BASE DATE
 2. Less total preconfinement credit - 1230
 3. MAXIMUM ELIGIBLE PAROLE DATE = 2-21-2004

B. GOOD TIME CREDIT

1. Received date or 7-1-77 whichever is later - 7-5-90
 2. Days in custody of department = 4979
 3. Postsentence + 9
 4. Days in custody on which GTC may be earned = 4988
 5. $\div 3$ = GOOD TIME CREDIT = 1662.66

C. MINIMUM ELIGIBLE PAROLE DATE (A-3 minus B-5)

= 8-3-99

COMMENTS:

PC 415

BC 1247

Computed by

Case Records

4-30-92

date

Initial 7/98

DOC

7/93

Audited by

Case Records

date

NAME

SEPULVEDA

NUMBER

EL01053

INSTITUTION

CR

(21)

STATE OF CALIFORNIA
CREDIT/TERM COMPUTATION

1. MAXIMUM ELIGIBLE PAROLE DATE (LIFERS)

1. 11-23-94 + 15 = 11-23-2009
RECEIVED DATE TOTAL TERM BASE DATE
2. Less total preincarceration credit - 701
3. MAXIMUM ELIGIBLE PAROLE DATE = 12-23-2007

2. GOOD TIME CREDIT

1. Received date or 7-1-77
whichever is later - 11-23-94
2. Days in custody of department = 4778
3. Postsentence + 14
4. Days in custody on which
GTC may be earned = 4792
5. $\div 3$ = GOOD TIME CREDIT = 1598

3. MINIMUM ELIGIBLE PAROLE DATE (A-3 minus B-5) = 8-8-2003

COMMENTS:

PC 400 BC 1198
- 90
1108
- 120
988
+ 90
11-6-2003
+ 120
11-6-2004

=====
Computed by P. A. [Signature] 12-8-95
Case Records Specialist date
Audited by _____
Case Records _____ date
=====

NAME NUMBER INSTITUTION DATE
Wilson, Timothy J-41686 PBSA 12-8-95
COC 679aL (Rev 12/81) 7-6-95

(28)

A. MAXIMUM ELIGIBLE PAROLE DATE (LIFERS) *15 yrs*

1. 11-23-94 + 20 yrs. = 11-23-2009
RECEIVED DATE TOTAL TERM BASE DATE

2. Less total preconfinement credit

761

3. MAXIMUM ELIGIBLE PAROLE DATE

12-22-2009
12-23-2007

B. GOOD TIME CREDIT

1. Received date or 7-1-77
whichever is later

11-23-94

2. Days in custody of department =

6604 4778

3. Postsentence

+ 14

4. Days in custody on which
GTC may be earned

= 6618 4792

5. 3 = GOOD TIME CREDIT
(Round up)

2206 1598

MINIMUM ELIGIBLE PAROLE DATE (A-3 minus B-5)

12-8-2006
8-8-2003 2-15-95

COMMENTS:

Doc #1 11/97

Out 7/2002

Computed by	<u>P. Gledhill</u>	<u>1-5-95</u>
	Case Records	date
Audited by	_____	_____
	Case Records	date

NAME	NUMBER	INSTITUTION	DATE
<u>Wilson, Timothy</u>	<u>941686</u>	<u>SARC</u>	<u>1-5-95</u>

STATE OF CALIFORNIA
EDIT/TERM COMPUTATION

MAXIMUM ELIGIBLE PAROLE DATE (LIFERS)

$$1. \quad \frac{11-23-94}{\text{RECEIVED DATE}} + \frac{15}{\text{TOTAL TERM}} = \frac{11-23-2009}{\text{BASE DATE}}$$

$$2. \quad \text{Less total preconfinement credit (Plus 1/2 Post-sentence Credits)} \quad - \quad 708 = \underline{708}$$

$$3. \quad \text{MAXIMUM ELIGIBLE PAROLE DATE} = \underline{12-16-2007}$$

GOOD TIME CREDIT

$$1. \quad \text{Received date or 7-1-77 whichever is later} \quad - \quad \underline{11-23-94}$$

$$2. \quad \text{Days in custody of department} = \underline{4771}$$

$$3. \quad \text{Days in Custody on which GTC may be earned} = \underline{1591}$$

$$4. \quad \frac{1}{3} = \text{GOOD TIME CREDIT (ROUND UP)} = \underline{1591}$$

$$\text{MINIMUM ELIGIBLE PAROLE DATE (A-3 MINUS B-4)} = \underline{8-8-2003}$$

$$\begin{array}{r} \text{PC: } 398 \quad \text{BC: } 1193 \\ - 120 \\ \hline 1073 \end{array}$$

$$\begin{array}{r} \underline{8-8-2003} \\ - 7120 \\ \hline 12-6-2003 \end{array}$$

Computed by

P. H. Attala
Case Records Specialist

9-26-96
Date

NAME NUMBER INSTITUTION DATE

Wilson, Timothy J. 41686 PBSP 9-26-96

RECALCULATION OF MEPD FOR 15-LIFE AND 25-LIFE PRISONERS
 RECEIVED PRIOR TO 5-27-87
 PURSUANT TO IN RE MONIGOLD (1988) 205 CAL. APP. 3d 1224
 NO DSL TERM OR DSL TERM COMPLETED

Waiver 5-285

A. CREDITS VESTED PER PC2934 (If offense date prior to 1-1-83)

1. Total days served prior to waiver date (Waiver date - received date + postsentenced credit) = 1596 *1596*
2. A1 + 2 (round down) = 298
3. Less credits lost per PC2932 = 15
4. Credits to be vested = 783

=====

B. MAXIMUM ELIGIBLE PAROLE DATE

1. 80-12-22 + 17-0-0 = 97-12-22
 RECEIVED DATE TOTAL TERM BASE DATE
2. Less total preconfinement credit = 242 *4-22-97*
3. Less A4 OR vest 1/2 postsentence credit = 783
4. MAXIMUM ELIGIBLE PAROLE DATE = 95-3-9

C. WORKTIME CREDIT PER PC2933/PC2934

1. Less NET worktime credit earned from waiver/ received date through 2-15-89 or end of DSL term if later = 894
2. Current MEPD (cannot exceed B4) = 92-9-20

D. GOOD TIME CREDIT PER PC2931

1. Date credit applied through (2-15-89 or date DSL term ends if later) = 89-2-15
2. Days left to serve = 1212
3. Divide by 3 (round up) = 438
4. PC Balance (D3 + 4) = 109
5. BC Balance (D4 x 3) = 329

=====

E. RECALCULATED MEPD (C2 - D3)

1. Add credits lost for CDC 115's after D1 + PC = 91-7-10
2. Subtract restorations for credit losses in E1 - PC = 90
3. New PC/BC Balance PC= 90 BC= 90
4. Add any 7 or 9 year MEPD CS Life term(s) + 10-8-91

F. ADJUSTED MEPD (E + E1 - E2 + E4) = 91-7-10

=====

G. INITIAL PAROLE CONSIDERATION HEARING = 6/90 *9/90*
 (13 months prior to F) MONTH/YEAR

H. NEXT DOCUMENTATION HEARING # _____ = _____
 MONTH/YEAR

=====

Your Minimum Eligible Parole Date has been recalculated pursuant to In Re Monigold and you have been granted 894 days worktime credit from 5-2-85 through 2-15-89/~~the end of your DSL term~~ (circle one). Your recalculated/adjusted (circle one) MEPD is 7-10-91 *10-8-91*. Your initial life parole consideration hearing will be scheduled during the month of 6/90 /~~first available calendar~~ (circle one).

9/90
Verna Ruth Young, CCRS
 CASE RECORDS STAFF

8-25-89
 DATE

C24488
 NUMBER

MusDonald
 NAME

CSP-C
 CODE

MEPD CALCULATION FOR LIFERS WITH CONSECUTIVE DSL TERMS RECEIVED AFTER 2-15-1989 OR NOT AFFECTED BY IN RE MONIGOLD

DRAFT

A. DSL TERM

1. TERM START DATE
(Receive Date)
2. PLUS DSL TERM
EQUALS BASE DATE
3. MINUS PRECONFINEMENT CREDIT
(Preconfinement = Presentence + Postsentence)
4. EQUALS MAX DSL
5. MINUS VESTED CREDIT
(1/2 Postsentence credit)
6. ADJUSTED MAX DSL
7. MINUS NET CREDIT EARNED
(Net Credit = Credit Earned - Credit Loss + Credit Restored)
(If credit loss is greater than credit earned use negative credit worksheet)
8. CURRENT RELEASE DATE ON DSL TERM
9. MINUS DATE CREDIT APPLIED THROUGH
10. DAYS LEFT TO SERVE
11. DIVIDE DAYS TO SERVE BY CURRENT WORK GROUP
(A1:2, A2:3, B:3, D1:3, U:3, Round down)
12. CURRENT RELEASE DATE ON DSL TERM (A-8)
13. MINUS (A-11)
14. PROJECTED EARLIEST DATE DSL TERM COULD END AND
15/25-LIFE OR 7/9-LIFE TERM BEGINS

Per DDS
not working as:
of 9-16-94
note: DSL
term should
be update if
started towards
prison to 12-11-94

5-19-94
+ 3
= 5-19-94
- 784
= 3-27-95
- 3
= 3-24-95
- 0
= 3-24-95
- 5-19-94
= 309
= 103
3-24-95
- 103

B. CALCULATION FOR LIFE SENTENCE WITH 7/9 OR 15/25 YEAR MEPD

1. LIFE TERM START DATE (A-14)
2. PLUS LIFE TERM (15/25 OR 7/9 YRS)
3. PROJECTED MAX ELIGIBLE PAROLE DATE
(STOP HERE FOR 7/9 YEARS TO LIFE CALCULATION)
4. MINUS LIFE TERM START DATE (A-14)
5. DAYS IN CUSTODY ON WHICH GTC MAY BE EARNED
6. DIVIDE B-5 BY 3 EQUALS GOOD TIME CREDIT (round up)
7. PROJECTED MAX ELIGIBLE PAROLE DATE (B-3)
8. MINUS GOOD TIME CREDITS (B-6)
9. EQUALS MINIMUM ELIGIBLE PAROLE DATE (MEPD)

12-11-94
12-11-94
+ 15
= 12-11-2001
- 12-11-94
= 5479
- 1827
12-11-2009
- 1827
= 12-10-2006

C. PC/BC CALCULATION (PC/BC Calculation applicable only for 15/25Yrs)

1. B-6 DIVIDED BY 4 = PC _____ DOC: _____
2. C-1 MULTIPLIED BY 3 = BC _____ INITIAL: _____

219550
CDC NUMBER

Jackson
NAME

CWF
INSTITUTION

9-17-94
DATE

J. Smith
COR. OFFICIAL

STATE OF CALIFORNIA
CREDIT / TERM COMPUTATION - LIFERS
CDC 679-AL (5/91)

DEPARTMENT OF CORRECTIONS

A. MAXIMUM ELIGIBLE PAROLE DATE (LIFERS)

1. 5-19-94 + 18 years = 5-19-20
RECEIVED DATE TOTAL TERM BASE DATE

2. Less total preconfinement credit = 784

3. MAXIMUM ELIGIBLE PAROLE DATE = 3-27-2

B. GOOD TIME CREDIT

1. Received date or 7-1-77 whichever is later - 5-19-94

2. Days in custody of department = 5791

3. Postsentence + 6

4. Days in custody on which GTC may be earned = 5797

5. Divided by 3 = GOOD TIME CREDIT = 1932

C. MINIMUM ELIGIBLE PAROLE DATE (A-3 MINUS B-5) = 12-11-2

COMMENTS:

Computed by _____ Date _____
Case Records _____

Audited by K. Moser Date 5/31/94
Case Records Spec

CDC NUMBER <u>J19550</u>	INMATE'S NAME <u>Jackson</u>	INSTITUTION	DATE <u>5/31</u>
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STATE OF CALIFORNIA
CREDIT/TERM COMPUTATION

1. MAXIMUM ELIGIBLE PAROLE DATE (LIFERS)

1. 12-22-80 + 17-0-0 = 12-22-97
RECEIVED DATE TOTAL TERM BASE DATE

2. Less total preconfinement credit = 242

3. MAXIMUM ELIGIBLE PAROLE DATE = 4-24-97

2. GOOD TIME CREDIT

1. Received date or 7-1-77
whichever is later = 12-22-80

2. Days in custody of department = 5967

3. Postsentence + 4

4. Days in custody on which
GTC may be earned = 5971

5. $\div 3$ = GOOD TIME CREDIT = 1991

3. MINIMUM ELIGIBLE PAROLE DATE (A-3 minus B-5) = 11-11-91

COMMENTS:

498 PC 1493 BC Adjusted by credit loss + 65
- 65
1428 11-26-91

Computed by C. Gray 12-14-88
Case Records Spec date

audited by _____
Case Records _____ date

AME C24488

NUMBER Mac Donald INSTITUTION

DATE

VESTED CREDITS
PURSUANT TO PC 2934

1. Date Signed Waiver	85-5-2 ✓
2. Date Received CDC-on controlling term	- 80-12-22
3. Days served to Date	= 1592
4. Days Post Sentence Credit	+ -4
5. Total Days Served to Date	= 1596
3 1. Credits to be Vested Pursuant to PC 2934 (A 5 ÷ 2) (Reduce fraction to lower whole number)	= 798 <i>next 783 ✓</i>
2 1. Date Received CDC-on controlling term	80-12-22
2. Term	+ 17-0-0
	= 97-12-22
3. Pre-Sentence Credits	- 242
	= 97-4-24
4. Minus B 1	- 798
5. Max Date	= 95-2-16
6. Credits Lost Per PC 2932	+ 15
7. Adjusted Max Date	= 95-3-3
1 1. Date Signed Waiver	- 85-5-2
2. No. of Days Left to Serve Pursuant to PC 2933	= 3592
3. Divide Line 2 by 2 (Reduce fraction to lower whole number)	= 1796
4. Earliest Possible Release Date Subtract Line 3 from Line C7	= 90-4-2
1. Parole Referral Date 9 months prior to D4	=

158C 12-8-81

MEPD

Cheri Johnson, Spec. 5-11-85
Correctional Case Records Staff, Title Date

DC C-24488

NAME Mac Donald

INSTITUTION Fol

CREDIT/TERM COMPUTATION

A. MAXIMUM DSL DATE *Term Starts: 82-4-1*

1. 80-12-22 + 15 yrs to 2 yrs
RECEIVED DATE TOTAL TERM

2. Less actual time served in custody (PC 2900.5, 2900.1) * None

3. Adjusted Maximum DSL Date 97-4-24

4. Good time credit previously granted by court or by CDC on 2900.1 time. * None

5. ~~MAXIMUM DSL RELEASE DATE~~ MEPD 97-4-24

B. GOOD TIME CREDIT

1. Maximum DSL (A5) 97-4-24

2. Received date or 7-1-77 whichever is later 82-4-24

3. Days in Custody of Department 5479

4. Postsentence * None

5. Days in custody on which good time credit may be earned 5479

6. $\div 3$ = GOOD TIME CREDIT 1827
eligible

C. MINIMUM DSL RELEASE DATE *w/ benefit of credit*

1. Maximum DSL Date (A5) 97-4-24

2. Good Time Credit (B5) 1827

3. ~~MINIMUM DSL RELEASE DATE~~ MEPD *w/ benefit of credit* 92-4-23

CREDITS SUBJECT TO LOSS IN PRISON

1. Good time Credit (B5) 1827

2. $\div 4$ = Participation Credit 457

3. $\times 3$ = Behavior credit 1370

Computed by BQ Hughes 12-23-80
Case Records Super date

Audited by K.C. Mendonca 4-23-81
Case Records Super date

PRESENTENCE CREDITS

1. PC 2900.5 (Inc. Postsentence) * 163

2. Conduct Credit previously granted by court * 79

3. PC 2900.1 actual 0

4. PC 2900.1 (PC 2931) 0

redits applied to 2 year endorsement

TIME CARD CHANGE PROCESS

V1.2 08/26/89 10:55:16.7

 CDC NO==> C24488
 NAME====> MAC DONALD, JAMES, EDWARD
 W/P GRP==> D1
 EFF-DATE=> 12-16-1986 WVR-DATE=> - -

SEQ #	TRNS TYPE	W-P GRP	DATE FROM	DATE THRU	DAYS WRKD	DAYS CR	ETO USED	ETO EARND	EDD HOURS
		A1	5-2-85	5-31-85	30				
61	A	A1	06-01-1985	06-30-1985	30	0.0	0	0	0
64	A	A1	07-01-1985	07-31-1985	31	0.0	0	0	0
67	A	A1	08-01-1985	08-31-1985	31	0.0	0	0	0
70	A	A1	09-01-1985	09-30-1985	30	0.0	0	0	0
73	A	A1	10-01-1985	10-11-1985	11	0.0	0	0	0
79	A	D1	10-12-1985	10-31-1985	20	0.0	0	0	0
					182				
					192				

FUNCTION: _

SEQ#: _ _ _ / _ _ / _ _ _ / _ _ / _ _ _

PAGE BACK==> PF1 SELECT==> PF10 MENU==> PF11 END SESSION==> PF12

894.5 earned
 from 5-2-85 to
 2-15-89.

STATE OF CALIFORNIA
CREDIT/TERM COMPUTATION

MAXIMUM ELIGIBLE PAROLE DATE (LIFERS)

1. 8-19-82 + 15 yrs = 8-19-97
RECEIVED DATE TOTAL TERM BASE DATE

2. Less total preconfinement credit - 575

3. MAXIMUM ELIGIBLE PAROLE DATE = 1-22-96

GOOD TIME CREDIT

1. Received date or 7-1-77
whichever is later - 8-19-82

2. Days in custody of department = 4904

3. Postsentence + 8

3.2 Minus enhancement - 0

4. Days in custody on which
GTC may be earned = 4912

5. $\div 3$ = GOOD TIME CREDIT = 1638

MINIMUM ELIGIBLE PAROLE DATE (A-3 minus B-5) = 7-29-91

COMMENTS:

Computed by M. King 10-5-82
Case Records 2 per date

Edited by _____
Case Records _____ date

INMATE COPY

EX. P. ~~3~~

NAME Burnham, Kenneth W. NUMBER C-52135 INSTITUTION LPU DATE 10-5-82

C 6792L (Rev 12/81)

STATE OF CALIFORNIA
SENTENCE/TERM COMPUTATION

MAXIMUM DSL DATE

1. 81-6-10 + 17 = 98-6-10
RECEIVED DATE TOTAL TERM BASE DATE

2. Less total preconfinement credit - 112

3. MAXIMUM DSL RELEASE DATE - 2-18-98

GOOD TIME CREDIT

1. Received date or 7-1-77
whichever is later - 6-10-81

2. Days in custody of department = 6097

3. Postsentence + 6

4. Days in custody on which
GTC may be earned = 6103

5. $\div 3$ = GOOD TIME CREDIT = 2035

MINIMUM DSL RELEASE DATE (A-3 minus B-5)

SENTS: 115'5 : 12-25-82 WCL 15
8-18-82 WCL 10
2-27-83 WCL 90
6-5-90 WCL 90

= 7-24-92
+ 25
8-18-92

Reviewed by Case Records date

Reviewed by Case Records date

NUMBER

INSTITUTION

DATE

Ex. P.

STATE OF CALIFORNIA
CREDIT/TERM COMPUTATION

A. MAXIMUM ELIGIBLE PAROLE DATE (LIFERS)

1. 07-11-86 + 15-00 = 07-11-2001
RECEIVED DATE TOTAL TERM BASE DATE

2. Less total preincarceration credit - 288

3. MAXIMUM ELIGIBLE PAROLE DATE = 09-26-2000

B. GOOD TIME CREDIT

1. Received date or 7-1-77
whichever is later - 07-11-86

2. Days in custody of department = 5191

3. Postsentence + 02

4. Days in custody on which
GTC may be earned = 5193

5. $\div 3$ = GOOD TIME CREDIT = 1731

C. MINIMUM ELIGIBLE PAROLE DATE (A-3 minus B-5)

= 12-31-95

COMMENTS:

Computed by Penalty Waiver 9-4-86
Case Records Spec date

Audited by P. Brown 9-5-86
Case Records Spec. date

NAME
Ischason
CDC 679aL (Rev 2/83)

NUMBER
D-34046

INSTITUTION
LP4
Ex..P.

DATE
9-4-86

STATE OF CALIFORNIA
CREDIT / TERM COMPUTATION - LIFERS
CDC 679-AL (5/91)

DEPARTMENT OF CORRECTIONS

A. MAXIMUM ELIGIBLE PAROLE DATE (LIFERS)

1. 4/5/84 + 22 yrs = 4/5/2016
RECEIVED DATE TOTAL TERM BASE DATE

2. Less total preincarceration credit 1031 - 1031

3. MAXIMUM ELIGIBLE PAROLE DATE = 10/9/2013

B. GOOD TIME CREDIT

1. Received date or 7-1-77 whichever is later - 4/5/84

2. Days in custody of department = 10657

3. Postsentence + 15

4. Days in custody on which GTC may be earned = 10672

5. Divided by 3 = GOOD TIME CREDIT = 3558

C. MINIMUM ELIGIBLE PAROLE DATE (A-3 MINUS B-5) = 9/12/2003

COMMENTS: PC: 890 WCF + 390

BC: 21068 WCF - 90

DOC# 4 11/98 10/6/2004

Initial 10/2003 7/8/2004

Computed by <u>S. Roberts</u>	<u>12/9/97</u>
Case Records <u>SOC</u>	Date
Audited by _____	_____
Case Records _____	Date

CDC NUMBER <u>C83692</u>	INMATE'S NAME <u>Cobb</u>	INSTITUTION <u>CC1-4B</u>	DATE <u>12/9/97</u>
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STATE OF CALIFORNIA
CREDIT/TERM COMPUTATION

A. MAXIMUM ELIGIBLE PAROLE DATE (LIFERS)

1. 04-05-84 + 32 = 04-05-2016
RECEIVED DATE TOTAL TERM BASE DATE

2. Less total preconfinement credit - 1031

3. MAXIMUM ELIGIBLE PAROLE DATE = 06-09-2013

B. GOOD TIME CREDIT

1. Received date or 7-1-77
whichever is later - 04-05-84

2. Days in custody of department = 10657

3. Postsentence + 15

4. Days in custody on which
GTC may be earned = 10672

5. $\div 3$ = GOOD TIME CREDIT PS = 890 = 3558
ELS = 2668

C. MINIMUM ELIGIBLE PAROLE DATE (A-3 minus B-5)

COMMENTS: BCR'S

	<u>BCR'S</u>		<u>6-16-86</u>	<u>+30</u>	<u>09-12-2003</u>
			<u>7-24-86</u>	<u>180</u>	<u>10-12-2003</u>
45.			<u>3-1-87</u>	<u>180</u>	<u>4-9-2004</u>
45.			<u>3-1-87</u>	<u>180</u>	<u>10-6-2004</u>
90V			<u>390</u>		<u>BCR'S = 90</u>

INITIAL: 6-2003 = 7-8-2004

Computed by F. Darden 6/20/84
Case Records Spec date

Audited by M. Cune 7-1-84
Case Records Drp date

NAME
COBB

NUMBER
C-83699

INSTITUTION
LPU

DATE
6/20/84

CDC 679aL (Rev 2/83)

Inmate did not sign waiver.
Therefore DSL & life terms calc together

ul
6-12-95

DB
118

(44)

CALIFORNIA DEPARTMENT OF CORRECTIONS
CALIFORNIA CORRECTIONAL INSTITUTION
TEHACHAPI, CALIFORNIA

DSL COMP

A. MAXIMUM DSL DATE:

1. 1984-04-05 + 7 yr DSL = 1991-04-05
Received Date Total Term Base Term

2. Less Total Preconfinement Credits - 1031

3. Maximum DSL Release Date = 1988-06-08

B. GOOD TIME CREDITS:

1. Received date or 7-1-77 - 1984-04-05
which ever is later

2. Days in custody of department = 1525

3. Post Sentence Credits + 15

4. Days in custody in which Good Time Credits may be earned = 1540

5. $\div 3$ = Good Time Credit = 514

C. MINIMUM DSL RELEASE DATE (A-3 minus B-5) = 1987-01-11

Mr. DSL completed
25-L completed

COMMENTS: Inmate did not sign waiver

COMPUTED BY: [Signature] CRS 7-1-77
Case Records Staff Date

AUDITED BY: _____
Case Records Staff Date

INMATE NAME: POBB NUMBER: P-83699 INST. PCI 1/2

(45)

MINIMUM DSL TERM CALCULATION FOR PENAL CODE SECTION 667 (2)
OFFENDERS - 01 INSE COMMITTED ON OR AFTER MARCH 7, 1994

A. MAXIMUM DSL DATE

$$\begin{array}{rcl} 1. & \frac{12-1-95}{\text{RECEIVED DATE}} + \frac{7 \text{ YRS}}{\text{TOTAL TERM}} & = \frac{12-1-2002}{\text{BASE DATE}} \\ 2. & \text{LESS PRE/POST CREDIT/ 1/2 POST} & - \frac{624}{\text{A00 200 16/8}} \\ 3. & \text{MAXIMUM DSL} & = \underline{3-17-2001} \end{array}$$

B. MAXIMUM GOOD TIME CREDITS ALLOWED

$$\begin{array}{rcl} 1. & \text{MAXIMUM DSL (A3)} & \underline{3-17-2001} \\ 2. & \text{RECEIVED DATE} & - \underline{12-1-95} \\ 3. & \text{DAYS IN CUSTODY OF DEPARTMENT} & = \underline{1933} \\ 4. & \text{DIVIDE BY FIVE - GOOD TIME CREDITS} & - \underline{386.6} \\ & \text{(Round Down To Whole Number)} & \end{array}$$

C. MINIMUM DSL

$$\begin{array}{rcl} 1. & \text{MAXIMUM DSL (A3)} & \underline{3-17-2001} \\ 2. & \text{GOOD TIME CREDITS (B4)} & - \underline{386.6} \\ 3. & \text{MINIMUM DSL} & \underline{2-25-2000} \end{array}$$

Noussias, Nicholas DA6818 RJDCF C. Casas, CCS 1-22-98

Reviewed Cal. 10/13/99

D. Sanchez, ca

PURSUANT TO IN RE MONIGOLD (1988) 205 CAL. APP. 3d 1224
NO DSL TERM OR DSL TERM COMPLETED

A. CREDITS VESTED PER PC2934 (If offense date prior to 1-1-83)

1. Total days served prior to waiver date (Waiver date
- received date + postsentence credit)
2. A1 ÷ 2 (round down)
3. Less credits lost per PC2932
4. Credits to be vested

~~_____~~
~~_____~~
~~_____~~
~~_____~~

B. MAXIMUM ELIGIBLE PAROLE DATE

1. 7-11-86 + 15 yrs
RECEIVED DATE TOTAL TERM
2. Less total preconfinement credit
3. Less A4 OR vest 1/2 postsentence credit
4. MAXIMUM ELIGIBLE PAROLE DATE

= 7-11-2001
BASE DATE
- 288
- 91
= 9-25-2000

C. WORKTIME CREDIT PER PC2933/PC2934

1. Less MEI worktime credit earned from waiver/
received date through 2-15-89 or end of DSL
term if later
2. Current MEPD (cannot exceed B4)

- 852
= 5-27-98

D. GOOD TIME CREDIT PER PC2931

1. Date credit applied through (2-15-89
or date DSL term ends if later)
2. Days left to serve
3. Divide by 3 (round up)
4. PC Balance (D3 ÷ 4)
5. BC Balance (D4 x 3)

- 2-15-89
= 3388
= 282
= 847
= 1129

E. RECALCULATED MEPD (C2 - D3)

1. Add credits lost for CDC 115's after D1
2. Subtract restorations for credit losses in E1
3. New PC/BC Balance
4. Add any 7 or 9 year MEPD CS Life term(s)

= 4-24-95
+ PC BC 100
- PC BC
PC 282 BC 787
+ _____

F. ADJUSTED MEPD (E + E1 - E2 + E4)

= 6-23-95

G. INITIAL PAROLE CONSIDERATION HEARING

(13 months prior to F)

= 5/94
month/year

H. NEXT DOCUMENTATION HEARING

2

= 7/92
month/year

Your Minimum Eligible Parole Date has been recalculated pursuant to
In Re Monigold and you have been granted 852 days worktime credit
from 7-11-86 through 2-15-89 the end of your DSL term (circle one).
Your recalculated/adjusted (circle one) MEPD is 6-23-95 Your initial
life parole consideration hearing will be scheduled during the month
of 5/94 first available calendar (circle one).

Lorena Orozco
CASE RECORDS STAFF

3/31/92
DATE

D34046
NUMBER
5/89

Jochanan Michael
NAME

RPD
INSTITUTION

FORM A - SIDE 1

EX. P.

CALCULATION WORKSHEET FOR INDETERMINATE PC SECTION 667(e) AND PC SECTION 2933.1

This form is used to calculate the Minimum Eligible Parole Date (MEPD) for inmates sentenced to an indeterminate (ISL) term; a.) as a second-strike offender (double minimum term per PC Section 667(e)), enter into OBIS as Credit Code 33; b.) violent offenders sentenced to indeterminate terms whose offense date is on or after September 21, 1994, enter in OBIS as Credit Code 34 or 36 if violent second-strike offender. (Note: Inmates convicted of murder committed on/after June 3, 1998 are ineligible for credit per PC 2933.2); c.) habitual offenders sentenced per PC Section 667.61 or PC Section 667.71, enter into OBIS as Credit Code 34.

Section A - Original MEPD Calculation

1. Start Date 12/5/05
 2. Plus Time Imposed + 40 yrs
= 12/5/45

3. Minus Pre/Postsentence Credit - 0
= 12/5/45

4. Minus Vested Credit
 [PC 667(e) divide by 2]
 [PC 2933.1 divide by 5.66]
 (round down) = 12/5/45

5. Plus Dead Time + 0

6. Equals Maximum Eligible Parole Date = 12/5/45

7. Minus Start Date (Line 1) - 12/5/05

8. Equals days to serve = 14610

9. Minus Dead Time - 0

10. Equals Days Where Credit
 May Be Applied = 14610

11. Equals CDC Conduct Credit
 (divide Line 10 by 5 [PC 667(e)] or
 6.66 [PC 2933.1], round down) = 2193

12. Maximum Eligible Parole Date (Line 6) 12/5/45

13. Minus CDC Conduct
 Credit (Line 11) - 2193

14. Equals Original MEPD = 12/4/39

Section B - Days "C" or "D2" From Start Date through Original MEPD (Do not include C/D2 time that occurs after the original MEPD)

From	Thru*	Number of Days**

Total Days "C" and/or "D2" From Start Date to Original MEPD

Equals CDC Conduct Credit Not Applied

While C/D2 (divide total days C/D2 by 4 [PC 667(e)] or 5.66 [PC 2933.1] round down) =

*If the current work group is "C" or "D2" use the original MEPD as the "THRU" date. If the last day of "D2" is earlier than the original MEPD, use the earlier date as the "THRU" date.

**Number of Days equals "THRU" date minus "FROM" date plus 1 day.

Section C - Credit Losses and Restorations

Date of CDC 115	Loss	Restored	Net Loss

Net Credit Losses

Section D: Calculating Adjusted MEPD

1. Original MEPD (from Section A, Line 14) _____

2. Plus Credit Not Applied While C/D2 (from Section B) + _____

3. Plus Net Credit Lost (from Section C) + _____

4. Equals Adjusted MEPD (cannot exceed Maximum Eligible Parole Date): = _____

5. Minus Maximum Eligible Parole Date (from Section A, Line 6) _____

6. Equals Excess Credit Loss to Apply to Next Period Being Calculated*** _____

***Mixed Credit Codes: when credit lost exceeds credit applied (Adjusted MEPD is later than Maximum Eligible Parole Date), subtract the Maximum Eligible Parole Date from the Adjusted MEPD which equals the days lost to apply to the next period being calculated.

CALCULATED BY (Name and Title)

S. Estrada, CCRK

DATE

5/1/07

INMATE'S NAME

Gault

CDC NUMBER

C54315

LOCATION

PVSP

CALCULATION WORKSHEET FOR PC SECTION 667(e) AND PC SECTION 2933.1

Section A - Original EPRD Calculation	
1. Start Date	<u>11/2/99</u>
2. Plus Time Imposed	<u>+ 8yrs 8 months</u>

[illegible]

****Number of Days equals "THRU" date minus "FROM" date plus 1 day.**

Date of CDC 115	Loss	Restored	Net Loss
11/4/05	60	0	60
Net Credit Losses			60

1. Original EPRD (from Section A, Line 14)	10/6/05
2. Plus Credit Not Applied While C/D2 (from Section B)	+ 0
3. Plus Net Credit Lost (from Section C)	+ 60
4. Equals Adjusted EPRD (cannot exceed Maximum Date):	= 12/5/05
<hr/>	
5. Minus Maximum Date (from Section A, Line 6)	
6. Equals Excess Credit Loss to Apply to Next Period Being Calculated***	

CALCULATED BY (Name and Title)

INMATE'S NAME

CDC NUMBER

DATE _____

LOCATION	
----------	--

STATE OF CALIFORNIA
CA-22 (9/92)

INMATE REQUEST FOR INTERVIEW

DEPARTMENT OF CORRECTIONS

DATE 3-12-98	TO Records "Cross" RJOCP	FROM (LAST NAME) Noussias	CDC NUMBER D-46818
HOUSING MBS	BED NUMBER 132	WORK ASSIGNMENT Fac 1 2/w yard crew	JOB HOURS FROM 0600 TO 1400
OTHER ASSIGNMENT (SCHOOL, THERAPY, ETC.)			ASSIGNMENT HOURS FROM — TO —

Clearly state your reason for requesting this interview.

You will be called in for interview in the near future if the matter cannot be handled by correspondence.

I would like to get a clarification to the attached Feb. 9, 1998 letter I sent to Records on the day in question. Thank you
Noussias

Do NOT write below this line. If more space is required, write on back.

INTERVIEWED BY	DATE 4/6/98
DISPOSITION You can not be held past your MAX CDD date. C. Cross, CCS	

F 1-03-132L OLIVER

STATE OF CALIFORNIA
GA-22 (9/92)

INMATE REQUEST FOR INTERVIEW

DEPARTMENT OF CORRECTIONS

DATE March 12 th	TO Case Records - O. O'Connor	FROM (LAST NAME) Eiferman, Garret	CDC NUMBER H-53382
HOUSING Fac 1-B-3	BED NUMBER 132 ^L	WORK ASSIGNMENT Auto Body & fender	JOB HOURS FROM 7 ⁰⁰ AM TO 4 ⁰⁰ PM
OTHER ASSIGNMENT (SCHOOL, THERAPY, ETC.) N/A			ASSIGNMENT HOURS FROM NA TO N/A

Clearly state your reason for requesting this interview.

You will be called in for interview in the near future if the matter cannot be handled by correspondence.

I would like to know, Once my MAX Release date is set, can I be held past my MAX date if I don't receive any discipl. interaction's? THANK you very much for your time.


B. Hunt

Do NOT write below this line. If more space is required, write on back.	
INTERVIEWED BY Responser: O. O'Connor	DATE 3-19-98

DISPOSITION
You can be held past your release date as long as ~~it~~ it does not go beyond your maximum release date.

54

EXHIBIT D

 <p>California Department of Corrections OPERATIONS MANUAL</p>	<p>Chapter: 70000 Case Records Information</p>
	<p>Subchapter: 73000 Legal</p>
	<p>Section: 73030 Time Computation</p>

**73030.17
ISL TERMS**

Terms for offenses committed prior to 7-1-77 under the Indeterminate Sentence Law pursuant to PC Section 1168(b), where release was determined by the paroling authority, are called ISL cases.

**73030.17.1
RECALCULATION
OF ISL TERMS**

The majority of terms under the ISL require recalculation based on the Determinate Sentence Law (DSL) pursuant to PC Section 1170.2.

The DSL provides several indeterminate sentences for specific crimes. Those crimes which remain indeterminate do not require recalculation.

- Any case for which the statutory penalty is one-year-and-one-day, except as specified determinate in the PC, is an indeterminate sentence under this section. See DOM subsection 73010.6.18 on DSL indeterminate terms.

**73030.17.2
ISL PRIMARY TERM FIX**

In re Rodriguez (14 Cal 3d 639 1975) held that the paroling authority (BPT) must determine the time of incarceration based on the severity of the crime(s).

**73030.17.3
EXTENDED TERM
CONSIDERATIONS**

PC Section 1170.2(b) gives the BPT authority to hold hearings for the purpose of possibly extending an inmate's normally recalculated DSL term. These are called Extended Term Hearings (ETH).

**73030.17.3.1
FIRST SCREENING**

The Correctional Case Records Manager (CCRM) is responsible for the first screening of an inmate's case dynamics to determine if an ETH may be necessary. The CCRM shall be guided by the law in determining if the inmate fits the criteria for an ETH.

A CDC Form 678 shall be completed in all applicable cases even for those not meeting the criteria for an ETH. The CDC Form 678 shall accompany the central file through the screening process.

**73030.17.3.2
CRITERIA FOR EXTENDED
TERM HEARINGS**

The CCRM shall indicate an ETH is required if the inmate was convicted of any of the following crimes, or in the following circumstances, whether the count was stayed or resulted in a commitment to State prison:

- PC Section 187, Second degree murder.
- PC Section 192, Voluntary manslaughter.
- PC Section 203, Mayhem.
- PC Sections 211/213, First degree robbery or robbery with great bodily injury.



California
Department of
Corrections

OPERATIONS
MANUAL

Chapter: 70000
Case Records Information

Subchapter: 73000
Legal

Section: 73030
Time Computation

- Early release. Any case in which the ISL parole date is more than one year later than the DSL release date.

73030.17.3.3
NOT AN ETH CASE,
PC 1170.2(A)

The CDC Form 144, DSL Control Card, shall be checked in the appropriate space to indicate it is not an ETH case and it will be filed with other CDC Form 144 cards in the normal manner, with earliest release dates first.

73030.17.3.4
INITIALLY AN
ETH CASE

If the correctional case records manager, during the first screening, determines that the inmate meets ETH criteria, the CDC Form 144 card shall be marked to reflect it as a PC Section 1170.2(b) case. The DSL Control Card shall be filed with other ETH DSL Control Cards.

73030.17.3.5
SUBSEQUENT
SCREENING

The BPT may do second and third ETH screenings. Frequently, the third BPT screening will take place without second screening. The BPT can designate a case a PC 1170.2(a) case at any point during the screening process.

If the BPT determines that an inmate is a PC 1170.2(a) (no ETH necessary), then the correctional case records manager shall update the CDC Form 144 to reflect that change.

The third BPT screening shall be reflected on BPT Form 1091. The original shall remain with the C-file with copies going to BPT Headquarters, Research, and the inmate.

If the case is an overdue PC 1170.2(a) case, or scheduled for release within 60 days according to the DSL calculation, the case shall be referred to P&CSD within five days of discovery. The CDC Form 611 shall be identified as a priority case.

73030.17.3.6
EXTENDED TERM
HEARING

PC 1170.2(b) and 3041.5 require that the inmate be notified within 90 days of receipt into the Department if he/she is scheduled for an ETH and the hearing must be held within 120 days of receipt. The 120 days is computed from the latest of the date:

- Of reception.
- Of return to prison from court.
- On return to prison from another jurisdiction following service of a commitment to which a California term is ordered to be served consecutively.
- An amended Abstract of Judgment is received by CDC.

BOARD OF PRISON TERMS

STATE OF CALIFORNIA

NOTICE OF HEARING
Pursuant to Penal Code Section 3042

DATE: 10-1-92

TYPE OF HEARING

- ☒ Life Prisoner Initial Parole
Consideration Hearing
(P.C. 3041, 3041.7 & 3042)
- ☐ Life Prisoner Subsequent Parole
Consideration Hearing
(P.C. 3041, 3041.7, & 3042)
- ☐ Life Prisoner Rescission Hearing
(P.C. 3041.7)
- ☐ Extended Term Hearing
(P.C. 1170.2(b))
- ☐ Other

TO: JAMES P. CLONINGER
Office of the District Attorney
County of ORANGE
707 CIVIC CENTER DR. W. RM. A200
SANTA ANA CA 92702.

RE: Name: PROTOPAPPAS, TONY

CDC No.: C-95128

Court Case No.: C-52021

PD/SO No.:

D.O.B.: 6-1-45

Received: 10-31-84

Offense: PC 187, MURDER 2nd

The named inmate will appear before the Board of Prison Terms for a hearing as indicated above. The hearing will be held during the week of DECEMBER 10, 1992 AT 8:30 AM

Your comments and recommendations regarding this case are respectfully invited for presentation to the Board of Prison Terms. Please submit your written response on the reverse side or by attachment to this notice no later than ten days prior to the Monday of the hearing week. If you have documents or reports which include information about the prisoner, the prisoner's offense(s), or the prisoner's prior criminal history, you are encouraged to submit those along with your comments and recommendations.

A representative of the District Attorney's Office may attend this hearing as provided in Title 15, Division 2, Cal. Adm. C. 52030. If a prosecutor wishes to attend, please notify the person named below at least two weeks prior to the Monday of the hearing week. Failure to provide notice of attendance may result in denial of access to the institution for the hearing. Information not available in the hearing file must be received in writing no later than ten days before the Monday of the hearing week even if a prosecutor plans to attend the hearing.

The prosecutor may arrange to review the prisoner's department file at the institution by calling the person named below. If this is a subsequent parole consideration hearing, the transcript of last year's hearing is also available for review at the institution.

Please mail reply to:

RUBY WATERS, ASST. C&PR
RICHARD J. DONOVAN CORRECTIONAL FACILITY
480 ALTA ROAD
SAN DIEGO, CA. 92179

BOARD OF PRISON TERMS

STATE OF CALIFORNIA

NOTICE OF HEARING
Pursuant to Penal Code Section 3042

DATE: 10-01-92

TYPE OF HEARING

- ☒ Life Prisoner Initial Parole
Consideration Hearing
(P.C. 3041, 3041.7 & 3042)
- ☐ Life Prisoner Subsequent Parole
Consideration Hearing
(P.C. 3041, 3041.7, & 3042)
- ☐ Extended Term Hearing
(P.C. 1170.2(b))
- ☐ Other

TO: ROBERT FULLER
ATTORNEY AT LAW
13215 E. PENN ST. STE 310
WHITTIER, CA 90602

RE: Name: PROTOPAPPAS, TONY

CDC No.: C-95128

Court Case No.: C-52021

PD/SD No.:

D.O.B.: 6-1-45

Received: 10-31-84

Offense: PC 187, MURDER 2nd

Location of Offense: 534 W. 19th ST., COSTA MESA

The named inmate will appear before the Board of Prison Terms for a hearing as indicated above. The hearing will be held during the week of DECEMBER 10, 1992 AT 8:30 AM

Your comments and recommendations regarding this case are respectfully invited for presentation to the Board of Prison Terms. Please submit your written response on the reverse side or by attachment to this notice no later than ten days prior to the Monday of the hearing week. If you have documents or reports which include information about the prisoner, the prisoner's offense(s), or the prisoner's prior criminal history, you are encouraged to submit those along with your comments and recommendations.

A representative of the District Attorney's Office may attend this hearing as provided in Title 15, Division 2, Cal. Adm. C. §2030. If a prosecutor wishes to attend, please notify the person named below at least two weeks prior to the Monday of the hearing week. Failure to provide notice of attendance may result in denial of access to the institution for the hearing. Information not available in the hearing file must be received in writing no later than ten days before the Monday of the hearing week even if a prosecutor plans to attend the hearing.

Please mail reply to: RUBY WATERS, ASST. C&PR
RICHARD J. DONOVAN CORRECTIONAL FACILITY
480 ALTA ROAD
SAN DIEGO, CA. 92179

NOTICE OF HEARING
Pursuant to Penal Code Section 3042

DATE: OCTOBER 09, 2001

TYPE OF HEARING

TO: THE HONORABLE PRESIDING
JUDGE OF THE SUPERIOR COURT
COUNTY OF AMADOR
108 COURT STREET
JACKSON, CA 95642

☐ Life Prisoner Initial Parole
Consideration Hearing
(PC 3041, 3041.7 & 3042)

☒ Life Prisoner Subsequent Parole
Consideration Hearing
(PC 3041, 3041.7 & 3042)

☐ Extended Term Hearing
(PC 1170.2(b))

☐ OTHER

NAME: TAYLOR, JERRY

CDC NO.: D05217

COURT CASE NO.: AMA12941/SCR96140

PD/SO NO.: S109217

D.O.B.: 06-20-40

RECEIVED: 05-04-87

OFFENSE: PC192/ VOL. MANSLAUGHTER/ PC187 W/ PC12022.5/ MURDER 1ST W/USE OF D/W

The named inmate will appear before the Board of Prison Terms for a hearing as indicated above. The hearing will be held during the week of NOVEMBER 14, 2001 AT 1330 HOURS.

Your comments and recommendations regarding this case are respectfully invited for presentation to the Board of Prison Terms. Please submit your written response on the reverse side or by attachment to this notice no later than ten days prior to the Monday of the hearing week.


A representative of the District Attorney's Office may attend this hearing as provided in Title 15, Division 2, Cal. Adm. C 82030. If a prosecutor wishes to attend, please notify the person named below at last two weeks prior to the Monday of the hearing week. Failure to provide notice of attendance may result in denial of access to the institution for the hearing. Information not available in the hearing file must be received in writing no later than ten days before the Monday of the hearing week even if a prosecutor plans to attend the hearing.

Please mail reply to:

J. T. ROWE, C&PR
DEUEL VOCATIONAL INSTITUTION
PO BOX 400
TRACY, CA 95378
(209) 830-3875

(61)

EXHIBIT E

 <p>California Department of Corrections</p> <p>OPERATIONS MANUAL</p>	<p>Chapter: 70000 Case Records Information</p>
	<p>Subchapter: 73000 Legal</p>
	<p>Section: 73010 Legal Status Information</p>

These cases require special processing following determination by the BPT. The procedures for producing a manually prepared Legal Status Summary as outlined in DOM Subsection 73010.6 will be followed.

These procedures shall be followed in preparing, computing, and recording BPT actions for DSL indeterminate terms.

**DSL Indeterminate
Term Only**

Regular ISL procedures shall be followed using the BPT Form 1010 for recording the determination and making the period of confinement computation.

**DSL Indeterminate
CC with DSL Term**

If the minimum release date for the DSL term is later than the statutory maximum for the DSL indeterminate term, no BPT parole hearing is required. If the DSL minimum is earlier than the maximum term for the indeterminate offense, the inmate shall be scheduled for an ISL parole hearing. The later release date shall be the controlling release date.

**DSL Indeterminate
CC with ISL Term**

Regular ISL procedures shall be followed using the BPT Form 1010 for recording the determination and making the period of confinement computation. In addition, a PC 1170.2(a) recalculation shall be made for the ISL terms.

**DSL Indeterminate
CS with DSL Term**

Schedule the DSL indeterminate case for the first available ISL parole consideration hearing for determination of the indeterminate case only. A BPT Form 1010 shall be used for this determination. The reception date for the ISL computation shall be the date originally received on the offenses involved.

The release date for the DSL indeterminate offense shall be the term start date on the DSL term. A DSL computation shall then be completed for the remaining DSL term.

**DSL Indeterminate
CS with ISL Term**

Schedule an ISL parole consideration hearing on the first available ISL hearing calendar. The ISL portion of the BPT determination shall be processed in accordance with existing ISL hearing procedures.

**Combined DSL
Recalculation
and ISL Hearing
for the DSL
Indeterminate Case**

During the ISL parole consideration hearing, the BPT hearing panel shall enter in the comments section of the BPT Form 1010, a determination of the amount of time assessed for the DSL indeterminate offense for the purpose of determining the CS factor of the recalculation.



California
Department of
Corrections

OPERATIONS
MANUAL

Chapter: 70000
Case Records Information

Subchapter: 73000
Legal

Section: 73010
Legal Status Information

A separate BPT Form 1010 shall be used by the specialist to compute the release date for the DSL indeterminate case. This BPT Form 1010 shall be attached to the original form with a notation, "see ISL BPT Form 1010 dated _____".

This release date shall be used as the term start date in the computation on the CDC Form 678, Confinement Computation, for the recalculation of the remaining counts or cases.

A PC 1170.2(b) (extended term) screening shall be made at the time of initial processing to ensure completion prior to 90 days after receipt.

Upon completion of the recalculation of the counts or cases, the CDC Form 678 shall be presented to a BPT panel for signature.

**73010.6.17
DETERMINATE
1-YEAR AND-
1-DAY TERMS**

PC 4532(a), Escape From County Jail Without Force, where the crime was committed on or after 1-1-85, has a determinate sentence of one year and one day.

The procedure for producing a manual face sheet as outlined in DOM Subsection 73010.6 shall be followed except for DOM Subsection 73010.6.3, Release Data. Release dates shall not be calculated by the LPU on these cases. The specialist at the institution housing the inmate shall compute the release date upon receipt of the manual face sheet.

No referral to the BPT is required and those cases are calculated in the same manner as for other DSL terms.

On cases with life terms, enter the following information above the name, number, etc., at the bottom of the first page:

- Defense Counsel.
- Investigating agency.

Record on each page of the Cumulative Case Summary the last name, number, unit of the Department, date, the initials of the CRS who calculated the case and the initials of the typist.

EXAMPLE:

JONES A50000 RC-C 1-12-88 RO/cs

**73010.6.18
INFORMATION
RECORDED
ON BOTTOM OF
CDC FORM 188**